

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF JANUARY 21, 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 9:07 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, Steven House, Donald Rudy, and Dub Yarbrough. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, SSCAFCA staff 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 he wanted to add one item to the Agenda under Chairman's Report to discuss the Village of Corrales' request to locate a fire station on certain property.

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.

**CONSENT AGENDA.**

1. Action/Acceptance of the Minutes of December 17, 2004 Regular Meeting and January 3, 2005 Organizational Meeting.

A motion was made by Mark Conkling to approve the minutes of the December 17, 2004 Regular Meeting and January 3, 2005 Regular Organizational Meeting as presented. It was seconded by John Chaney and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR DECEMBER 31, 2004.**

Mr. Donald Rudy stated that the date on the Treasurer's Report that was mailed to him is not correct. It has the date "12/1/04 to 12/31/04" and it should be from "07/1/04." He stated that this is a six month report, not a one month report.

Mr. Conkling indicated that the Treasurer's Report for December 31, 2004 was in the Board members' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on it. There were no questions.

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

#### **1. Update on Rainbow Tributary.**

Mr. Clint Dodge, of ASCG, stated that the Rainbow Drainage Management Plan is an area that is a small, long, linear watershed. He stated that the flood plain is shown in yellow on the map he showed to the Board. The area north of Southern is a fairly recent flood plain study. North of Vancouver, the flood plain is wider and impacts about 17 or 20 properties; some of which have apartments or duplex single story buildings on them. Mr. Dodge stated that part of the purpose of this was to figure out what to do to get those people out of the flood plain. There is very little development in the area; however, there are some houses along the boundary, some of which are fairly new. The study went down to Southern, where the flood plain is very wide.

Mr. Dodge stated that they looked at five alternate plans. One alternate was to upgrade all of the facilities and let the water run. This is about 1,800 cfs at Southern. Three of the alternates included putting in a large pond at the Inca Road area. They eliminated these options because of cost and due to the difficulty of getting the water to the pond. The fifth alternate was the one the City recommended, which SSCAFCA also recommended, and it consists of four small ponds; one at Inca, one at Sandia, one at 5th Avenue, and one just south of Northern Boulevard. The idea is to collect the local runoff in those ponds and leak it out down the system to reduce the flow to the capacity of the system downstream. This would remove the flood plain and protect all of the existing channels in the area. He stated that the existing channels flow capacities here are about 500 cfs and this system meets that requirement, as well as other requirements in the system. Without the four ponds, the flow triples at Arroyo Vista, which cannot be handled with the approved drainage plan.

Mr. Dodge stated that the costs for the four pond system are estimated at \$3.5 million. This includes about 20 acres of property, plus construction. Part of that cost also deals with the storm drain connections between the ponds. The water can't run down the street between the ponds because the ponds will be depressed and it will be clean water, so it will erode all the way down through the system. The cost does not include paving of streets. This was a big issue because some of the other systems require that you pave the streets to get the water down because the flow is so great. The one large pond alternate is estimated between \$4.7 million and \$5.6 million, depending on the different combinations of the way it was handled. The cost for getting the water down to Southern, if there was no ponding, with a flow of 1,800 cfs, was \$7 million. Mr. Dodge stated that, primarily, because

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of the cost savings, and because the roads didn't need to be paved right off the bat, this was the selected alternate.

Mr. Dodge stated that they are proposing that, until the ponds are starting to be built, the new construction in the area be required to have on-site ponds to restrict the runoff. The reason for this is that the system at Pecos Loop and Southern Boulevard is right at capacity. When building begins north of Inca, they will exceed the capacity because runoff will be increased. The idea is that if the ponds aren't built yet, they need to restrict that flow somehow. The problem with this is that there is no mechanism in place to police the on-lot ponding.

Mr. Dodge stated that, from Southern Boulevard upstream, there is mostly a constructed channel. Starting at Southern there is Rainbow Park and it has a poorly defined channel, but it does have a flood plain. The flood plain is not addressed independently; it is part of the park. One of the recommendations in the report is to do some stabilization in there to keep from washing out the walkways, etc. As you go further upstream, there is capacity in the system to take the existing flow, which varies from about 300 cfs to 540 cfs. There are some areas where there is not adequate freeboard and they are calling for a freeboard upgrade in those areas.

Mr. Dodge stated that he does not know if the existing system was constructed by AMREP some years ago. He stated that the channel is in fairly good shape in that a lot of concrete grade control structures, and they're functioning pretty well based on the flows to date. He stated that, if there is a big development push in an area, the pond that is in that area should be built first. If there is no obvious area for immediate development and, if the pond at the bottom is built first, the channel may erode getting to that pond, but the downstream will be protected.

Mr. Chaney stated that this points out the importance of SSCAFCA adopting an area wide policy with regard to on-site ponding and having a plan for on-site ponding. Rather than reacting to each new development, this Board could be proactive. Mr. Dodge stated that if a pond is put on each lot that discharged at the historic rate, and all the streets were paved, but didn't pond the street runoff, the runoff will be increased downstream. He stated that each lot could retain all the runoff from that lot, which is similar to the Village of Corrales ordinance. In this case, the runoff is reduced from the historic rate on the lots and the increased runoff from the streets might be absorbed without requiring a pond. Mr. Stoliker stated that this project is tied directly to the project at the county line. SSCAFCA is already committed to a flow of 1,300 cfs for the 102 inch pipe. If the four ponds are built, it will bring the flow into compliance with the 1,300 cfs.

Mr. Dodge stated that the commitment of 500 cfs at Southern is what will keep the flow at 1,300 cfs. The difference is the development in between. If nothing is done above Southern and houses are built on the existing platted property that is where the 1,800 cfs

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number comes from. The flow between Southern and the county line is about 800 cfs. Mr. Stoliker stated that roadway drainage should be paid for when the roadway goes in.

Mr. Conkling stated that, in anticipation of the redevelopment of that lower area, SSCAFCA also has opportunity at that point to require of the developer a reduction that may come to that area from above. SSCAFCA can create a new bottleneck opportunity at that time. On-site ponding, together with the redevelopment, may mean SSCAFCA has no money to spend on the issue, other than engineering analysis and time and effort.

Mr. Stoliker stated that Clint Dodge is working for the City on this project. The City put out an RFP and SSCAFCA and the City entered a JPA where SSCAFCA paid the City \$40,000.00 for this study. SSCAFCA sees this as a City lead project. Mr. Stoliker stated that the Watershed Management Plan for the Black Arroyo Watershed is just to the east of this project.

2. Action/Discussion of SSCAFCA Boundaries.

Mr. Stoliker stated that there are two descriptions of SSCAFCA 's boundaries in its statutes. One states that SSCAFCA goes up to the pueblos, but the metes and bounds description says to a certain section, which does not go to the pueblo boundary. This leads to a problem of SSCAFCA 's jurisdiction over portions of Mariposa and the Hawk Site. Staff is proceeding with getting the boundary descriptions changed with the Legislature. Letters have been sent to all of SSCAFCA 's Legislators. Eric Youngberg has agreed to sponsor legislation that would change the boundaries. Mr. Stoliker also stated that Corrales has changed its boundaries to the south. SSCAFCA 's statute says that its southern boundary goes to the County line, but again has an issue with the metes and bounds description. He stated that John Kelly, from AMAFCA, has called him and he is not happy about the possible change of SSCAFCA 's jurisdiction. AMAFCA will not give up any tax base without a fight. Mr. Stoliker stated that he does not want a public fight with AMAFCA over boundaries. AMAFCA wants to write a letter to the attorney general to ask an opinion as to whether the change in the Village boundary affects other jurisdictions – i.e., did AMAFCA 's boundaries changes.

Mr. Stoliker stated that he brought this matter up today because there is a question whether SSCAFCA wants to continue with the legislative push to get SSCAFCA 's northern boundaries changed, or add the southern boundaries as part of the legislative change, or does SSCAFCA want to let it sit for this session and let this issue with AMAFCA work its way out. Mr. Metzgar stated that this legislative session is extremely full and SSCAFCA 's boundary change could get lost in the shuffle anyway. The statute is very clear that SSCAFCA goes to the southern boundary of Sandoval County. But if the metes and bounds description is used, it is at a different location. In either event, if the southern boundary is changed, SSCAFCA will have to go to the Legislature again to change the

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southern boundary ' s metes and bounds description. SSCAFCA should wait and do the boundary changes together. It is not urgent that these changes be made right away. Of course, if all concerns are taken care of, it can proceed.

A motion was made by Mark Conkling that SSCAFCA follow counsel ' s advice to proceed with getting the language drafted and wait for a future session, unless all concerns are alleviated. It was seconded by Donald Rudy and passed unanimously.

3. Village of Corrales - Fire Station.

Mr. Conkling stated that the Executive Committee has met on this issue and made a decision. The Village of Corrales didn ' t like the decision and wanted to meet again with the Executive Committee, but he doesn ' t believe that this is necessary. The Executive Committee decided to bring it before the full Board. The conclusion by staff and the Executive Committee is that SSCAFCA needs the land and the Village shows no reason to use it.

Mr. Stoliker stated that Corrales Watershed District transferred certain lands to the Village and retained an easement on the properties to do what they need to do. SSCAFCA would use this area as a staging area for construction vehicles, etc. when maintenance to the channels was necessary. He stated that he was instructed by Richard Farmer to preserve the area because SSCAFCA needed it for O & M. The Village wants to build a fire station on it. The property is also believed to be in a 500 year flood plain and, according to FEMA, you cannot site emergency structures in a 500 year flood plain. The Executive Committee made a decision to preserve the property for SSCAFCA maintenance, but the Village is still pushing to get the property. He has tried to work with the Village in giving them an acre of the property, but the Village will not work with SSCAFCA and is insisting on the use of the entire property.

A motion was made by Mark Conkling that the Board affirm the Executive Committee recommendations on the fire station location in Corrales. It was seconded by Donald Rudy and passed unanimously.

**BOARD OF DIRECTORS ' COMMENTS.**

1. Long Range Planning for "Quality of Life" Issues Within SSCAFCA ' s Jurisdiction. Discussion will include the following:

- a. Preservation of "Drainage Ways" as "Open Space."
- b. On-Lot Ponding for "Single Lot Development" with minimum lot sizes.
- c. Standards for "Hard Lining of Drainage Ways" or use of piping systems.
- d. Coordination/implantation with local entities.

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Mr. Chaney stated that every year they try to look at SSCAFCA 's vision to see what might need to be done. He stated that he would start with on-lot ponding because it lowers the cost to the public for drainage structures. However, on-lot ponding requires minimum size lots. Large developers are not constrained by this because they can put in pipes and do channels, etc. The on-lot ponding will impact the small lot owner.

Mr. Chaney stated that if SSCAFCA were to require drainage arroyos to be kept in open space, as natural as possible, that might limit the amount of lots a large developer might have. He stated that there is already a master planned community in Rio Rancho, Mariposa that is implementing the idea of keeping arroyos open and natural and doing on-site detention. He stated that this Board has never devoted the resources to create a plan that looks at all of the drainage arroyos in its jurisdiction and which of those arroyos might be kept open and which of the arroyos couldn 't be kept open because of excessive flows. The Executive Committee has discussed the fact that this might be the time for SSCAFCA to hire planners to take a look at all of the arroyos in its jurisdiction and make recommendations as to how SSCAFCA allows development in those arroyos and to take a look at the on site ponding issue. It would require a certain amount of resource expenditure by this Board to implement a plan, which would possibly mean hiring an out of state consultant who has done this in other communities.

Mr. Conkling stated that he believed that the long range plan associated with open space and arroyo use has a different time constraint compared to the on-site ponding issue. The antiquated platting could have on-site ponding tomorrow if the City were able to enforce it. The City and SSCAFCA are both willing to try to expedite compliance because of the substantial savings on drainage structures. The time is politically right, right now, for the City and SSCAFCA to put an on-lot ponding ordinance on the books right away. This would impact the way SSCAFCA spends its bond money. He is referring to lots that are one-half acre and above.

Mr. Yarbrough stated that the EPA has indicated that the minimum lot size now is three-quarters of an acre with a well and septic. There are enough small lots to be concerned about. Mr. Metzgar stated that SSCAFCA cannot develop an ordinance to require on site ponding. The City has to be the lead agency on this sort of ordinance. Mr. Rudy stated that he has been through this before, and the result was that the ordinance stated that the requirement was that run off after construction could be no greater than run off in the before condition. This is fairly easy to enforce and there are many engineering programs to do the flow calculations. He would like to have a joint meeting with representatives of the City to find out from them what it would take to implement and then have SSCAFCA share in the implementation of the final ordinance passed by the City.

Mr. Conkling stated that he did not think it was unreasonable at all for SSCAFCA to have a compliance officer focused on drainage, whose job it would be to get a list of

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building permits on half acre lots every month from the City and go out to those sites and enforce the on-lot ponding. It is a mess when the builder has to figure out what to do, so if SSCAFCA gave them acceptable engineered pond designs that fit on a half acre lot and let them choose which design to put on each specific lot, the compliance officer could then go by the site and make sure that they have complied. This compliance could be made part of the occupancy permit.

Mr. Metzgar stated that it is only one of the problems trying to force a person to build the ponds. The further problem is when they put the pond in and it grows over with landscaping. AMAFCA has said that Albuquerque has not been able to enforce the on-lot ponding because the numbers of people it takes is tremendous. Mr. Conkling stated that homeowners' associations can employ title companies to require a covenant compliance inspection before it can be conveyed fully insured. If there was a violation, they wouldn't insure it until the seller removed the violation. There was an eagerness around the time of closing to get everything cleaned up again. Mr. Rudy stated that, right now in Corrales, in order to get a building permit to make any change in your property, you have to show them where your detention pond is and that it is of adequate size.

Mr. Chaney suggested that the Board direct staff to prepare a sample ordinance for the Board's review that incorporates some of these discussion items, and bring it back to the Board. Mr. Metzgar stated that Ken Curtis had previously stated that if he had the backing of SSCAFCA that he could get an ordinance entered fairly quickly. Mr. Chaney suggested that a couple of the Board members meet with the City during the month of February and bring a proposed ordinance back to the entire Board in March. Mr. Stoliker stated that Mr. Chaney and Mr. Conkling are very vocal on this issue and that he would like them to be the two board members to meet with the City. Mr. Chaney stated that he might not be available so he suggested Mr. Conkling and Mr. House.

Mr. Conkling stated that the Board needs a consultant to look at all of SSCAFCA's drainage and to bring a plan to take to the City for the drainage ways and open space. Mr. Chaney stated that this can be done with one of the consultants the Board has under contract and that the Board would want to presume that the on-site ponding has been passed and is in place, because it will change which arroyos stay natural. Mr. Chaney stated that the plan needs to be a comprehensive planning document, looking at the quality of life features of arroyos and keeping them natural in SSCAFCA's existing master plans.

Mr. Stoliker stated that so far he has two directions: one to get a meeting with the City on an ordinance and the other to get a task order for a comprehensive plan to look at using arroyos for quality of life issues like open space and recreation. Mr. Chaney stated that he does not have a dollar limit on the plan. Mr. Stoliker stated that he will try to keep it under \$20,000.00. Mr. Conkling stated that he did not believe there should be any spending limits on the plan.

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Mr. Chaney stated that part of the plan would need to identify which areas within SSCAFCA's jurisdiction they would have to put in piping systems or hard line channels because of the excess amount of the flows. Mr. Conkling stated that an alternative would be that a neighborhood could get together and do a neighborhood pond, rather than having them all individual ponds.

On a more specific matter, Mr. Stoliker stated that Mr. Marty Mares has scheduled a meeting with the Executive Committee. For his development, Mr. Mares wants to take out all of SSCAFCA's soil cement and replace it with a box culvert or some kind of hardened channel that accept the design storm event and will reduce the natural look of the arroyo. By doing this, Mr. Mares believes that he can recoup the costs through the gross receipts investment program that the City of Rio Rancho has, and it will expand the amount of development he can do. The City wants that type of development, but it may clash with the Board's desires. Mr. Conkling stated that he would approach the meeting with Mr. Mares with the "quality of life" hat on, rather than a "naturalistic" hat on. There may be an opportunity here to work with somebody so that both parties benefit.

### **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. December 10, 2004 Executive Committee Meeting Minutes.
2. Correspondence to Elaine Pacheco Regarding Comments on the Final Draft of the Proposed Dam Design, Construction and Safety Rules and Regulations.

He stated that the state engineer is still trying to redraft the dam safety requirements, which will impact SSCAFCA. Staff had another discussion scheduled with her, and others, trying to work their way through it.

3. Next Meeting: January 25, 2005 at 11:30 a.m. to Take Official Action Awarding SSCAFCA's Series 2005 General Obligation Bonds.
4. January 10, 2005 and January 12, 2005 Correspondence with the Village of Corrales.

### **OTHER BUSINESS.**



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Mr. Stoliker stated that he is very concerned about right-of-way acquisition. Staff is currently maxed out. There may be a way out of the right-of-way acquisition bottleneck, which is to hire an outside company to do the right-of-way acquisition. One such company is Pinnacle, and they do right-of-way acquisition within 45 days. The City of Rio Rancho is using this company for the acquisition of the Iliff property. Mr. Metzgar is going to look at the contract to see if SCAFCA can 'piggy back' off that contract. If SCAFCA is going to get the right-of-way acquisition done now, he would like to use an outside firm for a year or two until staff can get on its feet with respect to right-of-way acquisition.

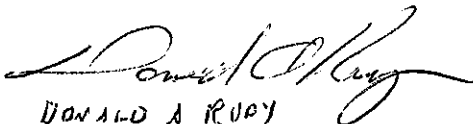
Mr. Rudy stated getting the critical property acquired as soon as possible is very high priority. Mr. Stoliker stated that staff will bring the 'wish list' of properties SCAFCA needs to acquire at the March meeting with final approval in April. Mr. Conkling stated that he would like to stop the rampant speculation around SCAFCA's path of acquisition where, once someone gets word that property is going to be condemned or bought for a public purpose, they stop speculating and the appraisals freeze. Mr. Metzgar stated that, historically, most condemning authorities have done this by publication. They get their initial alignment and go to public meetings and talk about their proposed project.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Steven House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:40 a.m.



WM. C. YARBROUGH  
Chairman



DONALD A RUBY  
JOHN CHANEY  
ACTING Secretary

DATE APPROVED:

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