

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF MAY 20, 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, Steven House, and Dub Yarbrough. Mark Conkling and Donald Rudy were noted as absent. David Stoliker, Executive Director, 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.**

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

**ANNOUNCEMENTS.**

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

**EXECUTIVE DIRECTOR'S REPORT.**

1. **Action/Acceptance of Drainage Analysis for Unser Boulevard Improvements.**

Mr. Stoliker stated that the City is in the process of improving Unser Boulevard between Abrazo Road and Farol Road, which is around Northern Boulevard. A drainage report has been prepared as part of the project. Staff has reviewed the drainage analysis and it is in compliance with SSCAFCA's Drainage Policy. The developed discharge is restricted to historic flow rates. There will be bio swales incorporated into the design to treat water quality. In the future, it is SSCAFCA's intention that a majority of the run-off be treated at SSCAFCA's Northern Boulevard Sedimentation Pond and the anticipated Sportsplex Dam Site. Staff is recommending acceptance by the Board. As part of the project, staff has talked with the City of Rio Rancho about getting an easement over a portion of some properties that it may acquire that are not needed for the Unser widening. The City seems to be willing to work with SSCAFCA about giving an easement over part of the Montoyas Arroyo that abuts this project.

Mr. Charlie Trujillo, of Parsons-Brinkerhoff, stated that the project runs from the intersection of Abrazo and Unser and runs north to just north of the Montoyas Arroyo. The two lanes will be turned into four lanes and they are also going to address transportation with regard to cars, bicycles, and pedestrians; and they will address drainage issues along the corridor. In developing the analysis, they have looked at five separate drainage areas; System A through System E. Each one has a separate outfall area. Each analysis was done in accordance with SSCAFCA policies. He stated that north of Northern, all discharge will go into the Montoyas Arroyo and the water quality issues will be taken care of at the Northern Boulevard Detention Facility.

Mr. Trujillo stated that they anticipate construction to begin around October 2005. The easement for SSCAFCA will be mostly along the Montoyas Arroyo where staff had asked them to look at Lateral Erosion Envelope issues, addressing what they could in cooperation with the City and SSCAFCA. Mr. Trujillo stated that the preferred alignment takes the existing Unser alignment and moves it to the east. The facility was designed in accordance with the Mid Region Council of Governments Access Policy so there will be full access every half-mile and partial access every quarter mile. North of Northern will drain to the Montoyas Arroyo, south of Northern, there are two areas that the City is acquiring for drainage purposes and for water quality - the southwest quadrant will have a detention pond on it, and the southeast quadrant will contain an outfall. Mr. Trujillo stated that the roadway facility itself will be designed with a multi-use path. That path will be on the east side and there will be a sidewalk on the west side. The path will be either eight feet or ten feet wide and will be asphalt. Mr. Trujillo stated that they have discussed turning the ponds into parks, but that will be up to the City as to how to develop the ponds.

Ken Curtis, of the City of Rio Rancho, stated that the ponds are pretty small. Excess right-of-way will be sold off if it is usable. Several lots will be reserved for the SSCAFCA easement on the east side right along the arroyo. The City is in negotiations right now. The path system will most likely tie into a future path system in the Montoyas Arroyo. Mr. Stoliker stated that SSCAFCA has no funds in this project. The City and the State will fund this project.

A motion was made by John Chaney to approve the drainage analysis for Unser Boulevard improvements as presented. It was seconded by Steven House and passed unanimously.

2. Action/Acceptance of Final Drainage Study for SAD 6.

Mr. Stoliker stated that special assessment district 6 is about 263 acres, 400 lots and is located west of the new Sandoval County Justice Center off of 528 and Idalia. This request is for approval of the Final Drainage Management Plan for SAD 6 containing a variance. The variance will allow for the analysis based on the existing conditions upstream without any assumed development and conveyance to the project site of this existing flow. Staff is recommending the variance with the justifications provided in the Board Action Summary contained in the Board 's packet and because the Justice Center

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and SAD 5 allowed for it. They are looking for approval of the SAD report with a variance based on an undeveloped land basin, and to allow Mr. Stoliker to accept the Grant of Easement for access and inspection of the ponding areas. He stated that SSCAFCA policy says that a developer has to take care of fully developed conditions upstream. In this case, the SAD is going to take care of everything on the site, but off site, upstream, will be for undeveloped conditions. An SAD can only work if a cost/benefit analysis is done and shows that the benefits outweigh the costs. If too much cost is put on the SAD, it does not become functional. The cost to the property owners is more than the benefit.

Mr. Jarrod Likar, of Huitt-Zollars, stated that the cost/benefit ratio for doing fully developed upstream rendered the SAD 6 virtually impossible due to the cost to each lot owner. The basins upstream will be historic. In future years, there will be a subdivision which will pond on-site and release historic at that time. Another area will have a future high school, which will have the same requirement to release historic. SAD 6 is bounded on the north by Lincoln Avenue, on the west by the future Paseo del Volcan corridor, on the east by the existing SAD 5 development.

Mr. Likar stated that the current condition will hold approximately 50% of developed upstream runoff. There is a second scenario that would be in place when Paseo del Volcan comes through for construction; it will trigger the State Highway Department to construct a pond, which is outlined in the report, that would handle fully developed upstream runoff and discharge at a historic rate through SAD 6, SAD 5, and the County Judicial Complex. To get the SAD 6 cost benefit in line, they are handling all of the undeveloped storm water run-off plus 50% of the upstream developed runoff. When Paseo del Volcan comes in, it will show the size pond that is needed to handle 100% of the upstream developed runoff. He is not sure if the City or the State will own the pond once it is built. As the alignment comes through, the report will outline what they need to condemn for the pond.

Mr. Metzgar stated that the ownership of the pond will not be established at this time; rather, it will be established when they go through to design and build it. One of the entities will be the owner of it and be responsible for maintenance, etc. Mr. Chaney stated that SSCAFCA should make its acceptance contingent on that pond being acquired when Paseo del Volcan goes in. Mr. Stoliker stated that one of the justifications for this variance is that if SAD 6 does not come in and the area is developed with single lots, SSCAFCA gets no drainage improvements and SAD 5 and City Centre could be hurt. If single lot development goes in where SAD 6 is going to go in, the flows will not be contained, nor will they be controlled at all. SAD 6 solves the problem within its confines, plus this SAD goes beyond its own problems by providing some offsite controls.

Mr. Yarbrough stated that SAD's don't require a replat. He asked if SAD 6 was going to alter the lot sizes or take existing lot sizes on the plat. Mr. Likar stated that SAD 6 will have existing lots with the current platting. However, they will have summary plats to

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grant easements over the ponds and eliminate lot lines within those ponds. Mr. Yarbrough asked about the conveyance from the new highway down to the next wash. Mr. Likar stated that it is a small tributary of the Barrancas that is not in the Venada. It goes under 528 through existing culverts and through Rivers Edge. Mr. Likar stated that the red line on the map he is showing depicts a storm drain line that will be underground that will pipe from the pond through right-of-way to another pond, where it will be released at rates that were outlined in the SAD 5 report, which are historic. There will be small storm drain systems within SAD 6. Once it gets into the SAD 5 boundary, it will go through culvert crossings and natural channels to another pond in SAD 5 and then through a pond in City Centre down to 528. The storm drain system has been sized to handle flows that will be needed when Paseo del Volcan comes through. The pipe will be sized for the future condition rather than the current condition.

A motion was made by Steven House to accept the final study for SAD 6 with the variance, as presented. It was seconded by John Chaney and passed unanimously.

3. Action/Acceptance of Quality of Life Flood Control Planning Task Order with ASCG and Contract with Community Sciences Corporation.

Mr. Stoliker stated that two contracts are being presented today for Board approval: CSC's contract and ASCG's task order for \$20,000.00 to support CSC. The bulk of the work will be done by Mr. Counts and CSC. CSC's total cost is \$127,000.00, plus tax. This project will take approximately eight to ten months to finish and staff is asking for approval.

Mr. Counts, of CSC, stated that the first phase is intended to coordinate among the various jurisdictions that will be partners in this quality of life flood control planning. They anticipated working with the County, the City of Rio Rancho, the Village of Corrales, the Town of Bernalillo, and others. They want to be back with a Phase I report by SSCAFCA's July 15, 2005 board meeting. The second phase would entail the comprehensive quality of life flood control planning and would entail preparing a report and models for future development, user manuals (both public and technical versions), and various other appendices which could include model projects, proposed outlines of ordinances and regulations that the jurisdictions might wish to adopt in order to help implement this new strategy.

Mr. Counts stated that the purpose of the study is to improve the relationship from a planning and engineering perspective between developing land and the flood control mission. It is respecting flood control first, but is looking for ways in which more economically and more compatibly with prospective future development they can plan channels and flood control areas, in particular offering amenities beyond just the pathways

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and parks. Indian Bend Wash in the Scottsdale, Phoenix area is a sample of what this project can be modeled after, but they will look at other western states' approaches to coordinated flood control adaptive planning as well. Mr. Counts stated that it is a goal to plan a coordinated and comprehensive system of lineal parks and open space that might be built in the future as one of the largest urban parks of its type. The time line is, from approval, approximately 60 days they would hope to have an update report for the July 15th board meeting. At that time, with the Board's direction, they would proceed with Phase II, which would add approximately six to eight months, hoping to finish in early 2006. The contract amount covers both phases.

A motion was made by John Chaney to accept the quality of life flood control planning task order with ASCG and contract with Community Sciences Corporation as presented, subject to Mr. Metzgar reviewing the contracts and making any necessary changes. It was seconded by Steven House and passed unanimously.

#### **4. Action/Discussion of the La Barranca Watershed Management Plan Phase I, Paseo del Volcan Crossing.**

Mr. Clint Dodge, of ASCG, stated that the very first thing they did was take a look at the flow rates of Paseo del Volcan, which is currently under design. This is the entire La Barranca Watershed from the Rio Grande up to the Mariposa development. There are seven crossing points of Paseo within this reach. Point A is the main trunk of the La Barranca and they are recommending a flow rate there of 2,900 cfs, which is part way between the pre-development flow rate and a fully developed flow rate. The logic for not using the fully developed flow rate is that down at 528, there is a constraint of approximately 3,000 cfs. At 528 and the channel below 528, there is an existing drop structure that is designed for 3,000 cfs. The plan for the La Barranca Watershed Plan, unless something significantly changes, is to keep that as a constraint. Without any constraints in the watershed, you are looking at 10,000 cfs at 528. He stated that the lower part of the watershed is part of Unit 17 and is partly developed. There are a lot of constraints to putting dams in that area. Plus, they would most likely put dams higher in the reach to reduce the flow to keep naturalistic channels, reduce the cost of the channels, and reduce the cost of crossing structures. He stated that fully developed rate is 2,280 cfs, rather than the 2,900. They went to 2,900 to allow for some flexibility in this watershed, particularly if on-lot ponds are used, which will increase the flow somewhat.

Mr. Dodge stated that Point B is a very small watershed and they are recommending the fully developed flow from Point B, which is 280, up from 180 for pre-developed. Point C is entirely within the State land property. They anticipate that it will have to be subdivided. As part of that subdivision, they would detain the run-off to historic, so they are recommending historic rate for Point C. At Point D, which is a fairly large drainage area, is partly in the State land and partly off the State land. They are proposing off State land - fully developed, unrestricted flow; and on the State land - a detention of that runoff as it

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becomes subdivided. This flow is 1,270 cfs. At Point E, which is another small development area, they are recommending the pre-development rate, which will be re-subdivided. At Point F, it is partly in State land and partly out of State land, there is not a very good pond site in the area and they are recommending reduction to the historic on the State land and fully developed discharge from there. Lastly, Point G, is a fully developed rate, which is mostly off of State land. He stated that they have not coordinated this with the Paseo Vertical Alignment. That design is still being worked on. These flow rates are compatible with what they have used so far in their preliminary design.

Mr. Dodge stated that SAD 6 is not actually part of the Barranca Watershed in this area. The City Centre site is also not in the Barranca Watershed and it drains to the Montoyas. It is up to the highway designers as to whether they are going to put multiple culverts along the highway, or drain down to one larger culvert.

Mr. Stoliker stated that staff is not looking for action on this matter today; rather, they are looking for an acknowledgment that this is what the City and the State are going to do with Paseo del Volcan. They have agreed to these flow rates and staff is okay with the flow rates. General consensus was given by the Board acknowledging the flows at the proposed crossings at Paseo del Volcan and as shown in the May 20, 2005 letter report from ASCG. This acknowledgement will allow the design and construction to proceed.

5. Action/Acceptance of On-Lot Pond and Drainage Policy Evaluation.

Mr. Stoliker stated that staff is asking for acceptance of the report and provide direction for further actions. Further action could include legal review, impact fees, etc.

Mr. Clint Dodge, of ASCG, stated that they are really looking at the second step on how to actually implement this policy and what kind of administrative policy would be required. The recommendations are to explore the on-lot detention pond option, to encourage redevelopment, to encourage SADs because they take care of a lot of the local drainage issues, to work with Rio Rancho on how impact fees might affect the policy, the Horizon boundary possibly for new subdivisions that might be appropriate but not for the historic subdivisions, and a storm water utility for funding. They are not recommending retention ponds with no discharge.

A motion was made by John Chaney to accept the on-lot pond and drainage policy evaluation as presented. It was seconded by Steven House and passed unanimously.

6. Action/Acceptance of Canvassing of Bids for Obregon Road.

Mr. Stoliker stated that Obregon Road has been designed and bid and staff is recommending that the Board accept the bids.

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Mr. Rob Demeule, of Huitt-Zollars, stated that this project is for Obregon Road by Saratoga in front of Enchanted Hills Elementary School, and is to install a storm drain system to improve the flooding problem at the school. SSCAFCA received and opened bids at its offices two days ago. Huitt-Zollars' estimate was approximately \$222,000.00 and the low bid from Salls Brothers Construction at \$253,000.00. Nine bids were received.

Mr. Demeule stated that Huitt-Zollars' construction manager is Jerry Fossenier and he will be in the field as the construction inspector. This bid is for the storm drain system. It is a combination of 36" and 42" pipe all the way in front of the school to relieve the flooding issue. Mr. Stoliker stated that they are in design of the Saratoga Road crossing. They hope to have that ready for bid this fall or early winter.

A motion was made by Steve House to accept the low bid for Obregon Road as presented with the understanding that the contract documents will be prepared, reviewed and signed by the Chairman. It was seconded by John Chaney and passed unanimously.

8. Action/Acceptance of Advanced ROW Acquisition for the Venada & Calabacillas Arroyos.

Mr. Stoliker stated that there are two right of way acquisition reports, one for the Venada and one for the Calabacillas. Staff is asking that the Board accept these reports for distribution. They have been prepared by Huitt-Zollars.

A motion was made by John Chaney to accept the acquisition reports as presented. It was seconded by Steven House and passed unanimously.

7. Action/Acceptance of Drainage Management Plan for Lomas Encantadas.

Mr. Stoliker stated Lomas Encantadas is the new name for Enchanted Hills South. Staff has been working with Huitt-Zollars on this for a while. The Plan meets the requirements of SSCAFCA's Drainage Policy; it complies with SSCAFCA's Watershed Management Plan; and it also complies with the Middle Venada Arroyo Facility Plan. Staff is in full agreement with this report. Staff is asking for acceptance of the Drainage Management Plan and authorization for the Executive Director to sign the Plan on behalf of the Board, and to accept the drainage analysis construction plans as the multiple phases go through.

Mr. Rob Demeule, of Huitt-Zollars, stated that Lomas Encantadas is just to the south of Enchanted Hills Boulevard, near the intersection of Enchanted Hills Boulevard and 528. The future Paseo del Volcan corridor runs right through it. The existing Nativitas Road also bi-sects the proposed subdivision. The proposed development sets aside the Venada Arroyo as the LEE line corridor indicates and there is extensive room for trail systems, open space, etc. With the development are two proposed box culverts, both of which will

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be sized to provide the same capacity that the existing box culvert at 528 provides, so there will be no restrictions within the subdivision.

Mr. Demeule stated all of the storm water run-off from the Santa Ana Pueblo that crosses 528 ends up in detention pond 1. The Encantado Channel runs across Enchanted Hills Boulevard and then runs into the pond. In their report, they have included the entire off-site watershed as defined by the Watershed Management Plan and the whole watershed, including Enchanted Hills Subdivision, and the pond, have been modeled together to make sure they are not going to overcharge any downstream facilities. They are proposing natural drainage and each will end in an inlet system, which will be more of a detention structure than an inlet system. These will then enter a large pipe system, which will run down to discharge into the arroyo. At the northwest edge of the development, they are proposing two sizeable trunk line systems to run down Camino Encantadas to discharge into the arroyo.

Mr. Demeule stated that both sides of the subdivision drain toward the middle and the proposed four lane road takes up a portion of the existing arroyo. It is better flood management in a situation like this to put the water in a pipe and then provide a wide open space corridor for the public that is not a dual use system. The majority of the flood water will be contained in a piping system, but there is extensive open space provided adjacent to the roadway. Those other drainages are left natural and open. Mr. Stoliker stated that the LEE lines in the area are 50 to 150 feet. The area is totally dedicated to the public for open space and it can have a trail in it. The area will have a lot of open space feel to it. Mr. Demeule stated that the intent was to allow smaller natural drainages that are a potential danger or maintenance problem to remain as open space but to provide a significant collection system when the flows are accumulated. Mr. Demeule stated that the intent is that each inlet will be provided with a filtration sediment drop-out system so that the storm drain remains clear.

A motion was made by Steve House to accept the Drainage Management Plan for Lomas Encantadas, as presented. It was seconded by John Chaney and passed unanimously.

9. Action/Acceptance Box Line Channeling for Southeast Corner of Highway 528 and Highway 448.

Mr. Stoliker stated that Marty Mares is the developer of a particular piece of property south of Corrales Road and east of 528 that abuts SSCAFCA's inlet to the Dulcelina Curtis Channel.

Mr. Mares stated that about a month after this Board approved his access over the Lomitas Negras Arroyo, he met with Mr. Yarbrough and Mr. Stoliker to discuss reclaiming more property and hard lining the channel. He would now like to box line this corner, cover



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it up, landscape it and finish it off. This will benefit the City of Rio Rancho, himself as a developer and SSCAFCA. By doing this, he would only get an additional 20 parking spaces for the development. It would add no square footage to the development, but it would clean up the corner. If he is not able to do the box line, he wants to know all the legal requirements necessary to hard line the channel to move forward on the landscaping, etc., without coming back to a future meeting. This is the last piece of his development that he needs to finish up.

Mr. Stoliker stated that the Board has not heard this issue, only the Chairman knew about it. He stated that Mr. Mares wants to put SSCAFCA's channel in a box and have stuff on top of it, like a parking lot. The problem is that SSCAFCA then has a box culvert underneath property possibly owned by the development on which cars may be parked. This brings up a liability issue should an accident occur on the parking area. Should SSCAFCA choose to sell Mr. Mares the property, there may be a problem with AMREP on the issue of the original donation of the property. Specifically, that AMREP put a reversionary clause into the donation that if it is no longer used for drainage, then AMREP would get it back.

Mr. Metzgar stated that SSCAFCA would give up some land that it presently has for drainage and the box culverts would take care of the drainage. This donation would violate the anti-donation clause of the Constitution. SSCAFCA must have consideration for the property. His understanding is that the deal, as it is written now, has no consideration given to SSCAFCA.

Mr. Chris Pacheco stated that they would propose that one possible way to deal with the anti-donation issue would be to make specific improvements to the drainage area, whether it is an open channel or a box lined culvert, that have a demonstrated monetary value. The ownership of the improved drainage facilities would be conveyed back to SSCAFCA by a Bill of Sale. The value and the costs of the new facilities and drainage improvements could be shown to equal or exceed the value of the property based on an appraisal.

Mr. Metzgar stated that he had considered that option and spoke with Bob Foglesong. He asked Mr. Foglesong that if SSCAFCA got those facilities would it increase SSCAFCA's maintenance costs in the future. It was concluded that it would increase SSCAFCA's future maintenance costs, so he is not sure what SSCAFCA would be gaining. Simply because SSCAFCA gains other facilities does not mean that there is no longer the anti-donation problem.

Mr. Mares stated that if he decided to spend \$1 million to improve the channel, how could that not benefit the City of Rio Rancho or the public. He is working with the Los Rios neighborhood right now to tie in their trail system to the development, as well as access off the road. This will improve that corner, and rather than have SSCAFCA take care of it, the

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development will. Mr. Stoliker stated that SSCAFCA has a facility that operates very well right now. He asked Mr. Mares that, if it functions well today, who benefits by Mr. Mares doing anything to it? Mr. Mares stated that the City of Rio Rancho will benefit from the improvements that he wants to make because now the City would have a hard lined concrete channel that is color concrete that has landscaping to it, versus an open channel where sediment gathers. Mr. Stoliker stated that it seems to him that Mr. Mares is saying that the City benefits because it gets more gross receipts tax, which is a benefit to the developer. The public receives no benefit from that. Right now, it's wider and will take additional flows beyond the 100-year event and more aesthetically pleasing - which is a benefit to the public.

Mr. Yarbrough asked Mr. Mares what he would do to improve the channel, other than hard lining it. Mr. Mares stated that they are going to color concrete the channel, make sure that it adhered to the 100 year flow, which the culverts under 528 are not currently. He was then going to landscape the corner and give access to SSCAFCA. The channel would be hard lined to just past the bridge. He was going to take the continuation of the dam, buy dirt from SSCAFCA, and fill in the area. The area is 11.65 acres of land that he presently owns, then, with the reclamation, it would be a total of 14.1 acres.

Mr. Chaney stated that if Mr. Mares could take the property and turn it into a park like setting that the public could use, that kind of proposal could possibly get by the anti-donation clause because it would benefit the public. If that drainage could be turned into a park with grass, park benches, etc. in front of the shopping center, then it could work. Mr. Stoliker stated that Mr. Mares originally came in with a nicely landscaped area that would take out the existing channel right now and then reform it. Later, Mr. Mares suggested the box culvert.

Mr. House stated that putting this channel in a box counteracts what SSCAFCA is trying to do with its open space policy. He would like to see Mr. Mares come back with a proposal based on what the Board would like to see in that area. Mr. Chaney suggested that Mr. Mares go to the Journal Center to see what they have done with that area to get some ideas on what to do with the property.

Mr. Metzgar stated, for the record, that Mr. Mares is now showing some renderings to the Board of his vision for the project.

Mr. Stoliker stated that everything comes back to the issue of the anti-donation and the function of the property and the channel. By shrinking the channel it allows for less flow to go through the area. The more concrete that is poured will need to be maintained by SSCAFCA. SSCAFCA already has a well constructed structure. SSCAFCA would be giving up 2.5 acres and cutting the drainage way capability from a greater than 100-year event to a 100-year event. Mr. Stoliker stated that if SSCAFCA allows Mr. Mares to reclaim the area, it will be a straight channel, it will be faster in velocity, so there is more chance

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that a person can get hurt. Even if the lesser flow can be justified, SSCAFCA is still giving up 2.5 acres, but is not getting anything out of it. Mr. Stoliker stated that if the Board wishes to sell the property to Mr. Mares that might be the best way to go. Mr. Metzgar stated that he is not sure that SSCAFCA can sell it because AMREP is involved and it is subject to a reversionary clause. Mr. Mares stated that AMREP is in full support of what he wants to do. Mr. Metzgar stated that if SSCAFCA gives up 2.5 acres by selling it, he is not sure that AMREP will be in favor of that particular deal. Because otherwise, the property goes back to AMREP and they get the money from any sale.

Mr. Yarbrough stated that he does not think it is feasible to try to landscape the area, other than what it is now. Mr. Yarbrough stated that the water must continue to go through the area no matter what is done.

Mr. Mares stated that he is willing to absorb quite a big cost for this corner. He has a 132,000 square foot development, with the bridge, without doing any improvements to the corner. If this deal is done, he would maybe get another 2.5 acres of land. He is finding that any retailer looking at this corner is not interested in how the arroyo looks at that corner. They are interested in having a completely developed corner. That was the impetus behind his initial proposal to go to the box culvert. With an open channel, it can be landscaped, it can be made more appealing to the general public. He is looking at just under \$1 million of improvements to the corner, and maybe 2.5 acres of land to the development. The total acreage of D-1-C is 4.55 acres. Having the property will enable him to push the buildings closer to that corner than normal.

Mr. Metzgar stated that if SSCAFCA gets consideration for the property, then leasing it is certainly an option, as long as AMREP is okay with any agreement between SSCAFCA and Mr. Mares. SSCAFCA is using all of the land right now for drainage, Mr. Mares would narrow the channel and the total land would not be used for drainage, and the additional property could then be leased if it could be worked out with AMREP.

Mr. Pacheco, of Mr. Spangler's office, stated that Mr. Mares has had discussions with AMREP and there is an understanding that if this project can go forward, AMREP, to the extent it is necessary, will waive its reversionary rights.

Mr. Chaney stated that, at this point, the Board should accept Mr. Stoliker's and Mr. Metzgar's recommendations; but if something comes back to the Board that would offer real benefits to the public and SSCAFCA, the Board can take another look at it. Mr. Metzgar stated that the Board can table this matter to a later date. Mr. Yarbrough stated that he would like to see this matter tabled and that the Board members drive by the corner to look at what is actually going on there. Mr. Stoliker believes that there are negatives with going forward in straightening and hard lining the channel and no positives to the public. If the decision is left up to him, he will tell Mr. Mares no. Mr. House stated that he would like to leave the matter up to Mr. Stoliker.

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A motion was made by John Chaney to table this matter. It was seconded by Steven House and passed unanimously.

10. Discussion/Public Comment of SSCAFCA's Infrastructure Capital Improvement Plan (ICIP).

Mr. Stoliker stated that every year SSCAFCA prepares its capital improvement program list. The list contains pretty much the same projects as last year's list.

11. Action/Acceptance of Declaration of Excess Property for .54 Acre Described at Lot 5, Unit 17, Block 166, Rio Rancho.

Mr. Stoliker stated that this property is in the Los Rios neighborhood, east of 528, south of Corrales Road. He stated that SSCAFCA is having a problem getting some property from Ms. Iliff for a drainage pond. The reason she doesn't want to give up the property is that she wants another piece of property developed right there. She put in some infrastructure in the roadway to service another property that she owns. If SSCAFCA could declare this property excess at the same time it goes through the acquisition/condemnation process, SSCAFCA may get her to relinquish the property that SSCAFCA needs in the hopes of getting it in the bidding process.

A motion was made by John Chaney to declare Lot 5, Unit 17, Block 166, Rio Rancho as excess property. It was seconded by Steven House and passed unanimously.

12. Action/Acceptance for Purchase of Pick-up Truck for Operations and Maintenance.

Mr. Stoliker stated that staff has gone through the general accounting systems to identify the truck that is needed, obtain a price for it and is now ready to get approval for the purchase of a new pickup. Mr. Chaney asked why not lease a truck so that way SSCAFCA could get a new one every couple of years. Mr. Stoliker stated that he thought that staff had looked at that before and there was a problem with leasing. Mr. Baird stated that he does not know of a problem with leasing. However, they did an analysis in the past and decided that a purchase was better given the lease financing rate. He stated that there are some leases that SSCAFCA is not allowed to enter into, but a rental that can be cancelled at any time is okay.

A motion was made by Steven House to table this matter so that options between leases and purchase can be researched. It was seconded by John Chaney and passed unanimously. (See last paragraph of Item 13 below.)

13. Update on Montoyas Arroyo Sportsplex Dam Site.

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Mr. Stoliker stated that Mr. Howard Stone, of Bohannon-Huston, and his project team have met with various people on this project and they want to provide an update.

Mr. Peter Baston, of Ideas, a subcontractor of Bohannon-Huston, stated that they are making an electronic website so that the people who are involved in the site itself can do online collaboration. One of the things they have found in a previous project is that people don't understand what arroyos are, or what watershed management plans are, and they don't understand the infrastructure purpose and why this is being done. They have one team shooting a movie, which shows the planning, how infrastructure is actually done, and what it physically results in. There is a second team from Rio Rancho and Cibola High Schools that is going to be asking questions about why the infrastructure is created. On the SSCAFCA site, they have information on the history of SSCAFCA, why it was created, what flood control is for, and who the board members are. As things are updated to the project, the teams can see where the project is in its development. People can go in and make changes, recommendations, comments, etc. Mr. Baston stated that this website is a collaboration measure and it is a transparent government measure. They have found that the more transparent an entity makes its projects, the easier it will get public support on what is happening. The quicker the general public that is protected by these developments understands what is going on, the more support SSCAFCA will get from them.

Mr. Stone stated that they are about a month and a half into the project. They have had two project team meetings composed of people from the City of Rio Rancho, Pulte Homes, SSCAFCA and the design team. The design team is made up of Bohannon-Huston and Dekker Perich Sabatini, who is doing the landscape/recreational concepts. They have looked at how this dam and entranceway will work with the Pulte Homes development. Pulte Homes was selected by the City to redo the area directly north of the dam. They are looking at the dam itself and the connection to High Resort Boulevard as their entranceway into the subdivision. The goal with this project is to combine the private and public interests to come up with a final project that meets a number of goals, one of which is to provide an entranceway into the Pulte Homes subdivision. The second goal is to provide safety to the public with respect to controlling the flows from the Montoyas Arroyo. The third goal is to provide some opportunities for the public for both recreational and landscaping opportunities. They are trying to not make the project look like a dam. He stated that so far they have met with the City twice to talk about opportunities and introduce them to the project so they can have an idea of the space and how large this project is going to be, and to start getting from them ideas about the landscaping and recreational opportunities that the City would like.

Mr. Stone stated that this will be the largest dam to date in the SSCAFCA jurisdictional area. It is programmed to be about 280 acre feet in terms of volume of storage for the 100 year event. It will reduce the flow coming down the Montoyas from about 4,500 cfs to 3,500 cfs. The downstream side of the dam where the berm goes across, which will also serve as a roadway entrance, will be about 20 feet higher than the

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arroyo at the bottom. They recognize that SSCAFCA can't contribute directly to any kind of landscaping or recreational opportunities, but they hope by considering the value of land, that SSCAFCA can provide some money to the project. The City currently owns the property up to the existing houses. The value of the easement does provide some money, in addition to what Pulte will put into the project for other opportunities besides just drainage.

Mr. Ken Romig, of Dekker Perich Sabatini, stated that they have developed four options which allowed the engineers to present to them the opportunities and constraints that the site allows. The options have a couple things in common: they have the central volume of the dam that maintains the volume and maintains the capacity that is required in this dam structure. Another common feature to all options is the alignment of the roadway, which has been worked out in conjunction with Pulte. The final roundabout is common to all four options as well. Another component that is common to all is the well house which discharges fairly fresh, usable water that can be used for irrigation, as well as wetlands or for water features.

Mr. Romig stated that Scenario 1 utilizes berming in front of the dam structure itself to start creating a foreground/background sort of action to break up the engineered edge of the dam itself. This feature is on the eastern portion. On the western portion of the entry road, there is an active recreation area with parking that also acts as additional flood plain surface. The bridge has concrete bollards along its edge and has a decorative fence. There is a trail system which runs through a lot of the complex. This scenario utilizes those trail systems and brings people across the arroyo through a series of overlooks and connects to the existing trails. He stated that all of these options are food for thought and are definitely not set in stone.

Mr. Romig stated that Scenario 2 utilizes the bridge in a much more dramatic way. There is a precipitous edge at the bridge to create more drama as you approach the Loma Colorado area. There are a series of light bollards and lights along the edge that mix with the artwork that is found within the center of the dam itself. The artwork elements are vertical elements in the dam itself. There are cobble edges to enliven the sculptural edge of the dam. There is a passive recreation area on the western side of the entry road. The trails meander through a series of berms that emulate the geological formation of Loma Colorado. The only active recreation that is shown is in Scenario number 1. Adjacent to the neighborhood it might be wiser to look at passive recreation techniques that can keep a lower noise threshold for the neighborhood.

Mr. Yarbrough stated that it was his understanding that there was going to be some sort of athletic practice field in the area. Mr. Stone stated that they have talked with the City about what they envisioned their needs are with respect to recreational facilities. They are going to build some additional soccer fields on the northern side of Loma Colorado somewhere near the proposed City Centre. He does not feel that they need to pursue a

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soccer field in this area. There are other opportunities for recreation that may be better for this area, such as some smaller hard court facilities such as basketball, racquetball, and the opportunity for a playground that is lacking right now in the Sports Complex.

Mr. Romig stated that Scenario 3 has the theme of water. Within the dam itself there are cobble accents along the edges so that the edge of the dam is a little less engineered. They could also be cast concrete sound walls that are slanted or with decorative elements in it. There are scenarios where there is a turnout and gathering areas as well at the entry road with shade structures and trail connections. These areas are retaining walls with plantings in them that work with the contours and create some interest on the entry road. The bridge over the dam itself has a shade-like element to it. It also has very interesting planters associated with the elevation along the bridge area.

Mr. Romig stated that Scenario 4 has a high contrast with the build element and the natural element. There is a formal planting structure following the entry road into the roundabout with a sculptural centerpiece in the middle. There is a large water feature utilizing non potable sources, as well as the water available from the well house. There is an overlook over the box culverts. There is a small passive recreation sitting area on the west side of the entry road connected to the trail system. There is also a need for additional parking at the Sports Complex, which this scenario provides. The City likes the idea of the additional parking.

Mr. Romig stated that he likes the drama of the bridge in Scenario 2 and thinks it could be a very interesting feature. He thinks the additional parking should be looked at further, as well. Mr. Stone stated that they are not constructing a bridge at the dam site. It will be concrete boxes, but there may be some elements at the top of the roadway that will make it look like a bridge to the casual eye. It appears that Scenario 4 is the closest to what they are heading toward. They have to work everything into the requirements of the State Engineer with respect to how intrusion affects the dam. They have to make sure that nothing can affect the dam's integrity. He stated that the water feature is a real challenge and could be a trade off between trying to find something nice but that also doesn't look like they're wasting water.

Mr. Stone stated that who gets to choose which scenario goes in is a combination of things. One is what gives the City the most opportunity from their perspective, along with what the project can bear in terms of costs. Another is how the option can work with what Pulte is planning for the subdivision. They are planning to go to the Parks and Recreation Commission meeting in June with a more refined idea of how the project should look and present it to them and again to SSCAFCA for more comments. They hope to try to finalize these elements in July so they can proceed with the design of the dam. Their goal is to have the dam completed by the end of 2006. They are currently working on costs by looking at construction of a berm for the detention dam needs, and a separate cost estimate for a roadway construction across. They will look at the total cost of both of those

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elements as a mechanism to try to come up with a shared cost between Pulte and SSCAFCA that meets both concerns.

Mr. Baird stated that, going back to the purchase of the pickup truck, that he had researched this issue about five years ago. The answer to the question of whether SSCAFCA could lease a vehicle is that an agency cannot enter into a lease according to the Attorney General's opinion because it constitutes debt without voter approval when it goes beyond one year. He has a call in to State Purchasing to find out if anything has changed on that. They will get the answer and report it back to the Board at the June meeting.

**CONSENT AGENDA.**

1. Action/Approval of the Minutes of April 1, 2005 and April 15, 2005.

A motion was made by John Chaney to approve the minutes of the April 1, 2005 Special Meeting and the April 15, 2005 Regular Board Meeting as presented. It was seconded by Steven House and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORTS FOR APRIL 30, 2005.**

The presentation and acknowledgment of the Treasurer's Report for April 30, 2005. There were no questions on the report.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTORS' COMMENTS.**

None.

**ATTORNEY'S REPORT.**

1. Action/Acceptance of Northern Meadows (AMREP) - Condemnation for Pond Sites.

Mr. Metzgar stated that the Board has previously approved that SSCAFCA would condemn a lot that was going to be at a pond site for AMREP's development of Northern Meadows. These ponds are regional ponds and are part of previous drainage management plans and are going to be built by AMREP and turned over to SSCAFCA for maintenance. They will be transferred in fee simple and SSCAFCA will maintain those ponds. The lot that has already been approved was in Phase II North of the development



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and AMREP also had to have two ponds in Phase II East. AMREP has acquired most of the lots for those two ponds, but they have been unable to acquire two lots. Mr. Wall, President of AMREP, has asked if SSCAFCA would acquire those lots by condemnation since they couldn't by negotiation. Since those lots are not serving just AMREP, and serve more of the region, SSCAFCA can do the condemnation. He asks that the Board approve the acquisition and condemnation, if necessary, of the two lots that AMREP could not acquire.

A motion was made by John Chaney to approve the acquisition and condemnation, if necessary, of the two lots that AMREP could not acquire. It was seconded by Steven House and passed unanimously.

### **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. April 22, 2005 letter to PNM regarding an underground dry utility crossing of the Harvey Jones Channel.
2. April 27, 2005 correspondence with PNM concerning an underground dry utility crossing the Barranca Arroyo east of Idalia Road.
3. April 27, 2005 correspondence with Jerome Fossenier regarding the Enchanted Hills Drainage Infrastructure.
4. Operation and Maintenance Inspection Forms.
5. Right-of-Way task order summary for Lisbon/Sunset/Sugar, Executive Director will sign all individual task orders under \$10,000.00.

Mr. Stoliker stated that these task orders need to be redone. He stated that SSCAFCA is going to buy about 23 to 25 lots. The Sugar Dam will be four to six lots; Sunset Dam is three or four lots; and Lisbon Dam is thirteen lots. These lots must be tracked separately and must be under separate task orders. Each lot is \$3,000.00 to \$4,000.

Mr. Metzgar stated that the reason he thinks the Board should approve these acquisitions, even though it is within Mr. Stoliker's realm on most of these lots, is that if

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SSCAFCA can't acquire these lots by negotiation, it will have to condemn them and SSSCAFCA must have a motion and order by the Board allowing the acquisition of those lots for flood control purposes and approval for condemnation if they can't be acquired by negotiation.

A motion was made by Steven House to authorize the acquisition of the lots shown in L. Davis' memorandum dated May 20, 2005 and to approve the task orders for the two companies shown in the memorandum. It was seconded by John Chaney and passed unanimously.

- 6. May 5, 2005 letter to Ron Bohannon concerning The Orchards Drainage Report.

Mr. Stoliker stated that Mr. Bohannon has submitted a letter that says that he agrees that he needs to do everything that SSSCAFCA requires him to do. Mr. Bohannon has resubmitted the Drainage Management Plan.

- 7. May 5, 2005 letter to the editor in the Observer 'Who's the bad neighbor?'

Mr. Stoliker stated that this is the letter written by Councilor Boniello that the Chairman had indicated that SSSCAFCA might want to write a response to. Mr. Yarbrough stated that SSSCAFCA should let the public know more about what SSSCAFCA is and what it is doing for the public. He stated that this issue is more between Mr. Boniello, Mr. D'Arco and the Village of Corrales, but SSSCAFCA is stuck in the middle as the bad guys.

- 8. The following infrastructure plans were signed by the Executive Director:
  - a. Mariposa-Extension of Mariposa Parkway & Blue Grama Drive.; the Executive Engineer signed the construction plans on April 27, 2005;
  - b. Enchanted Hills Elementary School & Obregon Road Drainage Improvements; the Executive Director signed the construction plans on April 22, 2005.

The Following Developments/Construction plans were received for review and comments provided to the consultant:

- a. Cabazon-Corazon Subdivision; proposed subdivision comprising approximately 71 acres, 252 dwelling units, approximate discharge of 244 cfs. Comments were provided to the engineer on April 13, 2005;
- b. Cabazon-Rancho Oro/Rancho Plata Unit 2; proposed subdivision comprising approximately 50.33 acres, 240 dwelling units, with an approximate discharge of 172 cfs. Comments were provided to the engineer on April 6, 2005;
- c. Enchanted Hills Elementary School & Obregon Road Drainage Improvement; comments were provided to the engineer on April 8, 2005;

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- d. Drainage Analysis for Unser Blvd. Improvements between Abrazo Road and Farol Road; comments were provided to the engineer on April 7, 2005;
  - e. Special Assessment District 6; comprising approximately 263 acres, 400 dwelling units, with an approximate discharge of 872 cfs. Comments were provided to the engineer on April 21, 2005;
  - f. Drainage Analysis for Unser Blvd. Improvements between Abrazo Road and Farol Road, re-submittal; comments were provided to the engineer on April 20, 2005.
9. May 13, 2005 thank you letter from Friends of Rio Rancho Open Space for grant to clean-up Bosque on both sides of the Venada Arroyo.
10. Development Information Packet.

Mr. Stoliker stated that the Board had asked staff to prepare this development packet which will be handed out to the developers that shows the time frames required by SSCAFCA. This packet has been completed and is contained in the Board 's packet. If there are no questions or comments, staff will start to give this out when developers need this information.

**OTHER BUSINESS.**

Mr. Stoliker stated that Peter Baston does want to do video of the Sportsplex Damsite with the Chairman and anyone else on the Board talking about the history of SSCAFCA. They have a thought about asking Evelyn Losack sitting in with the Board members to talk about it. He thinks it is absolutely critical that anybody who wants to do this gets involved right away because this will help promote SSCAFCA. SSCAFCA will use spin-offs of the video to do promos for SSCAFCA. He especially wants the Chairman and John Chaney involved in this because of their longtime involvement with SSCAFCA.

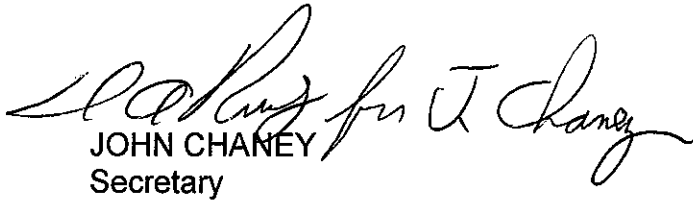
Mr. Stoliker stated that SSCAFCA is back up one more time to serve on the Executive Committee on the Council of Governments. It is between SSCAFCA and AMAFCA and only one member sits on the board. AMAFCA had it last year, SSCAFCA has the opportunity to put someone on there this year. It is the Chairman 's decision as to who gets to go on. He needs to appoint someone within the next week or two. Mr. House agreed to be appointed to that position.


**ADJOURNMENT.**

A motion was made by John Chaney to adjourn the meeting. It was seconded by Steven House and passed unanimously. The meeting was adjourned at 11:40 a.m.

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JOHN CHANEY  
Secretary

WM. C. YARBROUGH  
Chairman  


DATE APPROVED:

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