

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 30, 2007
BOARD OF DIRECTORS SPECIAL MEETING**

CALL TO ORDER.

The special meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:00 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Donald Rudy and Dub Yarbrough. Steve House was noted as absent. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present. John Chaney appointed Mark Conkling as Acting Secretary for the meeting.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by John Chaney.

APPROVAL OF AGENDA.

Mr. Conkling stated that he would like to add "Public Forum" to the Agenda. A motion was made by Mark Conkling to approve the Agenda as amended. It was seconded by Donald Rudy and passed unanimously.

ANNOUNCEMENTS.

An announcement was made by John Chaney that all electronic devices needed to be turned off during the meeting.

EXECUTIVE DIRECTOR'S REPORT.

1. **Canvass Bids for Dam 1 Grading and Award Contract.**

Mr. Stoliker stated that they received some bids on Dam 1 Grading project. It had some anomalies. The bid price as indicated in Rio West was originally \$280,000.00. As part of SSCAFCA's normal process, staff goes through and checks on all the calculations. The actual bid amount came out to \$242,000.00, but if you look through what Karen Jacobsen, of ASCG, has written up, they left out two items – mobilization and CMU wall. The CMU wall for the others is \$20,000.00 - \$21,000.00. Adding the CMU wall to this bid will probably take this bid amount over David Montoya's bid. They also made some errors in their calculations, which would have brought the price up a couple thousand dollars more. Because of this, he suspects that it will be higher for Rio West and probably be what is on the bid form submitted. Irregardless, by omitting the he is recommending that the Board call the bid "unresponsive." Staff recommends that David Montoya Construction, Inc. receive the bid at \$249,575.00. There is an alternate in the bid for an additional project. Staff recommends that the Board not take the alternate because this project is already over budget.

A motion was made by Donald Rudy to award David Montoya Construction, Inc. the contract as presented. It was seconded by Mark Conkling.

Mr. Stoliker stated that they are going to ask FEMA if SSCAFCA can get fully reimbursed for the total amount in order to be made whole. The total of the entire fix for SSCAFCA appears to be over \$3 million. SSCAFCA is looking into a cost share with the City. SSCAFCA has not yet received any money from FEMA. \$3 million of 2007 bond funds must be set aside because by the end of this year all of the money will be expended. Staff will research the budgetary needs and take it through the Budget Committee and Executive Committee to decide where the money is coming from. The City has indicated that any FEMA money that it receives from FEMA allocated to La Barranta will be given to SSCAFCA. FEMA will be approached with full reimbursement for all of SSCAFCA's expenditures from last years flooding. It may be possible that if a project is considered a large project, FEMA reimbursement may exceed its original estimate. Staff is checking on this. He believes that SSCAFCA has enough money to approve both of these bids and it is very important that these facilities get cleaned out this year.

The motion passed unanimously.

2. Canvass Bids for Sediment Removal Phase Two and Award Contract.

Mr. Stoliker stated that this bid was for sediment removal from two lots. One is for about 45,000 cubic yards from the Venada, east of 528 (Lot E). SSCAFCA's estimate was \$251,000.00 and the bid was at \$324,000.00. The second lot, Lot F, in Enchanted Hills was estimated at \$201,000.00 and the bid was \$255,000.00. This is 20% over the engineer's estimate and the Board can refuse the bids, but staff is recommending approval because of the need to get the areas cleaned out now prior to monsoon season.

Ms. Karen Jacobson, stated that the reason for the higher bids is that the prices for the storm drain that they need to do is a little higher and the unit cost for the segregation and disposal of the material is higher on the bid for Lot E. On Lot F, the difference is mostly in those same items. Mr. Stoliker stated that this is set up to have them completed before monsoon season. If this issue is re-bid, SSCAFCA could subject itself to potential liability. If the Board wants to delay one, he would suggest that they delay the Enchanted Hills cleanup because it will still function. He highly recommends that the Board pursue the Venada cleanup.

A motion was made by Donald Rudy to award the contracts as presented. It was seconded by Dub Yarbrough.

Mr. Stoliker stated that one reason for the higher bids than the estimates may be that all the entities are busy and they are charging a premium to get the work done. Mr. Conkling stated that if the Board rebids these projects, the cost will most likely not change, and may go up. Mr. Yarbrough stated that if these projects are not done, it could be a bigger problem later. Mr. Conkling stated that a lot of the cost is in moving the sediment, which goes along with the higher fuel prices.

The motion passed unanimously.

PUBLIC FORUM.

Mr. Conkling asked about the issue with The Orchards. Mr. Metzgar stated that he got a call from George Perez, the attorney for Bernalillo, who sent him a document that he thought might be the one whereby the developer agreed to do the water quality pond, but it turned out that the

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agreement was not the general development agreement, but a more specific agreement regarding work within the subdivision, not the agreement for the ponds. Mr. Perez told him that he tried to look through all of the files, which are not in real great order, and he was going to go back once more to see if he could find the general agreement pertaining to the development which supposedly says that the developer has to comply with all of SSCAFCA's requirements. If he doesn't find it, Mr. Perez indicated that he would still write a letter saying that they had not complied with SSCAFCA's requirements, and asking them to do so. An Executive Committee meeting was set for April 2, 2007 at 9:30 a.m. to discuss how to pursue this issue.

Mr. Yarbrough passed around the final wording on the memorial for Dulcelina Curtis for approval from the Board. Mr. Stoliker stated that staff is ready to order the plaque once the wording is approved. Mr. Conkling recommended that the typeface of SSCAFCA on the bottom be changed, because it's unreadable.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 9:30 a.m.


MARK CONKLING
Acting Secretary


JOHN CHANEY
Chairman

DATE APPROVED: 4/20/07

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