

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF OCTOBER 19, 2007  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:05 a.m.

**ROLL CALL OF DIRECTORS.**

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

**PLEDGE OF ALLEGIANCE.**

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

**APPROVAL OF AGENDA.**

A motion was made by Steve House to approve the Agenda as presented. It was seconded by Dub Yarbrough and passed unanimously.

**ANNOUNCEMENTS.**

Announcements were made by John Chaney that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

**EXECUTIVE DIRECTOR'S REPORT**

1. Action/Approval of Joint Powers Agreement for \$1 million for 19th Avenue Dam with City of Rio Rancho for Black Arroyo.

Mr. Stoliker asked that this item be tabled. He received a call from John Kolessar, and they are going to revise the JPA. The revision has to do with some wording in it on the \$1 million. They would like to split that into two budget cycles of \$.5 million apiece. Mr. Chaney removed this item from the Agenda.

2. Presentation of draft Erosion and Sediment Control Design Guide.

Mr. Stoliker stated that this is a presentation and there is no approval at this point. Mr. Howard Stone stated that back in the late 80s and early 90s, AMAFCA was faced with dealing with the Calabacillas Arroyo. At the time, they had elected to not concrete line the channel and to look at some possible other options. They came up with a prudent line type of approach to allow them some space to set back the public's developments from the arroyo itself. They went on to do an erosion guide report that was done by Bob Mussetter with some assistance in 1994. This set out the first comprehensive look at dealing with sediment, erosion and filling issues throughout the AMAFCA area. The present DPM committee realized that one component of the DPM would be much better if put in now as a sediment erosion guideline. The DPM committee helped to provide comments to

Bob Mussetter as he proceeded to update this report to reflect the issues and conditions in the SSCAFCA area, i.e., the sediment is much different here than on the east side of the river, where it is more of a decomposed granite and here it is more sandy. The goal is to make it more applicable to the SSCAFCA area and also to replace the concept of prudent line and go to the erosion limit type of procedure.

Mr. Robert Mussetter stated that the purpose of the guide is to provide guidance to the engineering community, the planning community, the regulatory authorities and others on appropriate procedures for analyzing sediment areas, arroyos, and natural drainage ways in the SSCAFCA area, specifically to address three issues. One is the potential for lateral and vertical stability or instability and how that might affect the safety of structures along the arroyos. In many cases, they have to put structures along the arroyos, either crossing them with utility crossing bridges, or something of that nature and that can have an effect on the behavior of the arroyos. Secondly, it provides the procedure for establishing the LEE line. The LEE line is basically a boundary along a drainage way defined as the boundary that would have a low possibility of being disturbed by erosion, scour or lateral migration of the channel by storms within the purview of the regulatory agencies.

Mr. Mussetter stated that the basis for this manual is the 1994 AMAFCA guide. They have taken that and done a bunch of updates to it to make it more applicable to SSCAFCA's specific areas of concern and SSCAFCA's ways of approaching problems that are different from AMAFCA. The guide is now in draft form and they welcome comments on the existing draft. The manual has an introduction and then steps in phases from a big picture to detail, appendices and example problems on how to apply the various procedures. The philosophy is that you need to have an understanding of two really important issues; one is the physical setting that you're dealing with and the second is what the physical processes are that control the way that the channel behaves. If you understand those things, you have a good chance of coming to a reasonable solution to your problem.

He stated that there are some characteristics that are different from what you find in other parts of the Albuquerque basin that effect the way SSCAFCA channels behave. The first is related to the geology of the system. All of the red on the map is older (Santa Fe formation group materials) that were deposited by the ancestral Rio Grande. Some of it is material carried off the hill slopes, some mixture of gravel and sand. It tends to be somewhat cemented and erosion resistant. The white areas are one of two things, either modern alluvium that is material that is eroded from the older material. This tends to be very loose, finer sized sandy material that is very erodable. The other white areas are alien sand, wind blown sand. The quantity of sediment and the fine range of that sediment are roughly, in an equilibrium system, in balance with the amount of water, gradient and energy. If one of those variables is changed, something else will adjust to bring the system back into balance.

He stated that by building in these areas, you increase the weight of one side, which tends to pull the other side down, which doubles the effect and throws the system completely out of balance. The first thing that happens is that the arroyos tend to cut straight down. They reach a certain depth where the banks are so high they are no longer stable, and then the banks start to fail. Then, the channel starts to widen. It eventually widens enough that the gradient flattens enough that it comes back into an equilibrium system. This model describes the evolution of almost every arroyo

he has ever looked at in an urbanized environment. The manual talks about how to quantify that particular process.

He is illustrating three different types of reaches; one is an excised area, which is a channel that is in its natural condition. The second is the incised reach, and the last is an aggradational reach. During that time frame when the channel is incising, that releases a whole bunch of sediment that is carried downstream. That sediment will deposit in the first place you hit a low energy area. In the unincised bend, the hazard boundary along the channel, you tend to have bank erosion. In arroyos that have a fair amount of capacity, the hazard limit on that side is mostly going to be defined by the limits of the erosion because the water stays within the channel. On the other side, the hazard limit may very well be the flooding boundary. In the incised situation, almost always, the water is contained within the channel and it's the erosion limits on both sides where that hazard line should be. A gradient reach has very uncertain flow paths. Generally your water boundaries define your hazard in that situation.

Mr. Mussetter stated that they have a three level analysis. The first level is a qualitative analysis. This suggests a series of six steps for getting a handle on the situation and then that brings you to a decision point. After they have learned about the stability of the channel, then they make a decision on what they know now to go ahead and establish the LEE line or decide that they need to do more analysis. If no more analysis is needed, they establish the LEE line and design the countermeasures.

Mr. Stoliker stated that at this point, SSCAFCA needed to get its rules written so that it can convey to the engineering community what they need to do. If it is the Board's desire to have more naturalized channels rather than hardened channels, it would now have the tool box and the engineering design standards and requirements to identify them. SSCAFCA can now go back into its arroyo systems, pick out those areas that it wants to keep natural, do the right-of-way acquisition to keep them natural, knowing what it knows today. This couldn't be done until the guide was completed.

Mr. Mussetter stated that this is a 99% complete draft, but they are waiting for comments back on it. They hope to have all the comments and business related to the guide finalized by the February to March 2008 time frame. One additional thing they would like is more specific sediment data for the arroyos in the SSCAFCA area. It has been suggested that they might go out and collect representative sediment samples throughout the major areas to put into the guide. The most important part of it is that they would like to do a training session for whomever is appropriate to go through the details of the guide and help them understand the philosophy and to get feedback from them.

Mr. Howard Stone stated that they will try to get it into a PDF form for review on the Internet. Mr. Stoliker requested a copy for the SSCAFCA offices so people could come in and view it in addition to getting a slide presentation on the website.

- 2a. Action/Acceptance of Task-Order for Dr. Mussetter & Bohannon-Huston, Inc. to provide training at a cost of \$25,000 and \$15,000 for Bohannon-Huston, Inc. to Complete Sportsplex Dam Site.

Mr. Howard Stone stated that this task order would include the training seminar in February or March of next year. The goal is to introduce these concepts to the engineering community in a more interactive form to give them an idea of the concepts and go over some practical applications. The second component would be to do some sediment samples of the arroyos to get a better idea of the sediment through the arroyo systems. A third would be for a bibliography which is quite extensive and backs up the concepts, designs and procedures in the manual. It would be good for SSCAFCA to have a copy of most of that in its system. The task order would also include coming up with a final polished, electronic version that has dynamic links to all of the information in the guide. All of this comes to a total of \$27,260.

Mr. Chaney stated that SSCAFCA has struggled with the issue of mass grading when new subdivisions are proposed. In many parts of the country, they don't allow it, or if they do they require certain remedial measures to prevent erosion. Mr. Stone stated that this specific issue is not addressed in this guide. Mr. Stoliker stated that the training portion of this task order would train SSCAFCA's staff. SSCAFCA is hoping that the City of Rio Rancho will send people to the training as well, along with anybody else who does any kind of development work in the area. Developers could possibly come to the training as well. Rather than training them individually, it would be better to have this training as a collective group. Mr. Yarbrough suggested approaching the issue of cost sharing or charging for the training. Mr. House stated that he believes that the engineering community would be happy to pay some reasonable fee for the training. AMAFCA did charge for their first session.

A motion was made by Steve House to approve the task order as presented. Mr. Chaney asked him to modify the motion to state that SSCAFCA will receive at least 50% of the cost back from the engineering community for the training.

A motion was made by Steve House to approve the task order as presented, with the modification that SSCAFCA receive approximately 50% of the cost back from the engineering community for the training and also to up the quantity of the training session to a minimum of 50. It was seconded by Dub Yarbrough and passed unanimously.

Mr. Howard Stone stated that there is a second task order request for the Montoyas Sportsplex Dam. They are getting close to the end and it should be completed by December 2007. All of the concrete work is finished and they are working on the asphalt road and some of the final grading. The task order is for an additional 40-day request from the contractor for various reasons throughout the project. Additionally, the task order includes the cost for doing a design of the access trails for an additional benefit for the public in the area. Beyond that, there is also a materials testing overrun because of time, but also because of the drainage event that caused damage to the concrete box and sewer, so there had to be additional testing that was fairly extensive at the time. In order to satisfy the OSC requirements, they have to do a more detailed control monument system on the concrete spillway. They proposed putting a series of copper monuments on the concrete curb. When they do the bi-yearly review with the OSC, they can easily verify with them the stability of that system in terms of wearability of the concrete so there is no issue. The final matter covered by the task order is the final construction field surveys for about \$5,000. Adding those all together, which also includes a credit for other items, is a total request of \$23,050 to finalize everything with OSC. There is a line item in the budget for re-seeding. That will be almost the last thing they do.

A motion was made by Steve House to approve the task order as presented. It was seconded by Dub Yarbrough and passed unanimously.

3. Presentation of Draft Drainage Policy.

Mr. Fred Aguirre, stated that the proposed SSCAFCA policy is patterned after the City of Albuquerque's drainage ordinance which was adopted in 1982. The ordinance and the DPM provided predictability for the developers, consistent submittals from the consultants, consistent responses from the City, and timely reviews by the City. Since the beginning of this project they had assigned task orders to BHI, ASCG and Stantec totaling approximately \$380,000. This includes the sanitary sewer investigation. They propose changing the name of the Executive Director of SSCAFCA to Executive Engineer since it is a technical document. Also, the definition of the City will mean City of Rio Rancho, Village of Corrales, Town of Bernalillo and Sandoval County. He read the contents of the draft Drainage Management Plan for the Board's information. He stated that the protection of life and property will be considered the primary function of the planning, design, construction and maintenance of drainage facilities.

Mr. Stoliker stated that under Item B 1, SSCAFCA will require that the developers pay for O & M on the facilities for up to a year after they are complete. They are not looking for approval of this today, but they merely wanted it presented. It will be looked at again in December. Mr. Chaney stated that he would like counsel to review the entire document and re-write it where necessary regarding legal issues. Mr. Metzgar stated that as far as the enforcement provisions in the Plan, he has the City's ordinances to see if they are the ones that will enforce because he does not believe that SSCAFCA's statute allows SSCAFCA to penalize in the manner contained in the Plan. SSCAFCA has the ability to review requests for developments, etc., and put into effect its Drainage Policy, but he does not believe SSCAFCA has the authority to adopt an ordinance.

Mr. Chaney suggested forming a new committee to address this document and have that committee report to the Executive Committee as to whether they want changes. He is concerned that there might be provisions in the policy that are too burdensome on the public and he would like to look at it from that point of view. Mr. Chaney stated that Board members who are not on the Executive Committee should form the new committee. This would be Steve House, Dub Yarbrough and Donald Rudy. Mr. Metzgar stated that you can't have three members on a committee. Mr. Chaney recommended Steve House and Dub Yarbrough if they are interested, with Donald Rudy as the alternate.

Mr. Aguirre stated that the policy will be advertised three times in the paper. In that advertisement, it will say that it is available on SSCAFCA's website. Mr. Metzgar stated that it should not go out immediately for advertising because, for example, that whole enforcement section will most likely not be in there. Why put it out before it is finalized. Mr. Ken Curtis, of the City of Rio Rancho, stated that this is a governing body to governing body decision. Inasmuch as the City has been participating, supporting and helping as best it can, it clearly has to go to the City's governing body first.

No action was taken.

**ACTION/APPROVAL OF THE MINUTES OF AUGUST 17, 2007.**

A motion was made by Steve House to approve the minutes of the meeting of August 17, 2007. It was seconded by Dub Yarbrough and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR SEPTEMBER 30, 2007.**

Mr. Rudy presented the Treasurer's Report for September 30, 2007 and asked if there were any questions. There were none.

1. The Series 2007A General Obligation Bonds of \$6,000,000 closed on October 10, 2007.

Mr. Stoliker stated that SSCAFCA has received the \$6 million from the bonds.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTORS' COMMENTS.**

Mr. Yarbrough stated that Pam McGrath recently passed away. She was an integral part of SSCAFCA in its early years.

Mr. Yarbrough asked about the hospital project and when the Board might be able to see its plan. Mr. Stoliker stated that they have come back with respect to the environmental mitigation of the land and shown SSCAFCA some possible areas where they can buy land to donate it to SSCAFCA. He told them that it had to be brought to the Executive Committee. Bob Fogelsong stated that the plans that SSCAFCA has are for the extension of the box culvert under Unser Boulevard as it turns south and goes under proposed Westside Boulevard. Staff has reviewed them but there is not a lot that can be changed about the proposal. There is a statement on the plans that says the future channel design downstream will be submitted at a later date. Mr. Paulsgrove stated that he wants to include a condition that indicates that the Corps' permit could be issued before SSCAFCA makes a decision. This would be to the effect that they would have to comply with any terms and conditions imposed by SSCAFCA.

Mr. Yarbrough asked if SSCAFCA had a policy that if SSCAFCA approves a drainage plan and the developer does not start within a reasonable length of time that the approval is pulled back. This is in regard to Bo Johnson and the subdivision down at the Los Montoyas and 528. Mr. Stoliker stated that this is Arrowhead East and it has been a long time. He stated that in the last year or two, SSCAFCA has started to apply a 1 year limitation on approvals (that if they haven't started construction within one year, then they have to come back and get approval from the Board again). This particular project did not have any sort of caveat on it. Mr. Metzgar stated that if there is no specified time, SSCAFCA can still interpret that it must be started within a reasonable time. If the Board decides that three years is not a reasonable time, the Board can say that before anything is started that a revised or amended drainage plan is brought back to the Board.

**ATTORNEY'S REPORT.**

Mr. Metzgar stated that most of his report will be in closed session. He stated that SSCAFCA spoke to the builders with regard to the Intrepid matter and they were hopefully going to get back to SSCAFCA by this meeting. If they could not, it would go to the November meeting. Mr. Stoliker stated that they have called him a couple of times. They are looking into constructing it themselves and they have asked what kind of certification and testing would be required. Some progress has been made.

**PUBLIC FORUM.**

Bryan Speicher, of the American Public Works Association, presented David Stoliker with their 2007 Lifetime Achievement Award.

**CLOSED SESSION.**

A motion was made by John Chaney to go into Closed Session for the purpose of discussing potential litigation involving the Sugar Dam right-of-way and Harvey Jones Channel contract. It was seconded by Dub Yarbrough. Roll call vote: John Chaney, yes; Steve House, yes; Dub Yarbrough, yes. The motion carried 3-0.

**RESUMPTION OF OPEN SESSION.**

A motion was made by Steve House to resume open session. It was seconded by Dub Yarbrough and passed unanimously. Mr. Chaney stated that the only items discussed in Closed Session were those listed and that no action was taken.

A motion was made by Steve House that SSCAFCA will claim benefits under the construction performance bond that Quick Brothers has for the Harvey Jones Channel project. It was seconded by Dub Yarbrough and passed unanimously.

A motion was made by John Chaney that SSCAFCA reject Mr. Rahime's counteroffer of \$125,000.00 and proceed to condemnation. It was seconded by Dub Yarbrough and passed unanimously.

**FOR YOUR INFORMATION.**

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

1. The following infrastructure plans were signed by the Executive Director:
  - a. Cabazon-Chianti Park Landscaping Plans the Executive Director signed the mylars on September 17, 2007;
  - b. Mariposa-Blue Grama DR. & Reservoir Road, Phases I Landscaping, the Executive Director signed the mylars on September 26, 2007;
  - c. V. Sue Cleveland High School Waterline, the Executive Director signed the mylars on October 2, 2007.

**BOARD OF DIRECTORS REGULAR MEETING**

**OCTOBER 19, 2007**

2. Accountant job description.
3. November 7 at 9:00 Architectural RFP Presentation.

**OTHER BUSINESS.**

The next regular Board meeting will be held on November 16, 2007 at 9:00 a.m.

**Discussion of Executive Director's Contract.**

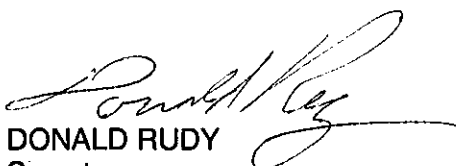
Mr. Chaney stated that the Board recently passed a motion with respect to David Stoliker's compensation. Mr. Stoliker countered back with some items and he and the Board have now reached a consensus. The first issue was the business plan outline. The outline will be prepared within six months, i.e., by the February regular Board meeting, and it will be reviewed by Mr. Steve House. It will be an executive level document of approximately 5 to 10 pages, with an organization chart and a five-year growth plan. Submission to the full Board with Mr. House's support will be considered successful completion of this item. If the Board fails to meet in February, this will not be considered a breach and the deadline will be extended for a month.

Mr. Chaney stated that it is David's understanding that submission of the business plan and completion of service through August 17, 2009 completes his reimbursement of the Master's course cost. He wishes to have the right for pro-rata reimbursement of his EMBA cost to SSCAFCA should he chose to leave prior to that time. Should Mr. Stoliker choose to leave the service of SSCAFCA prior to completing the contract through August 17, 2009, he will provide ninety (90) days' written notice and reimburse SSCAFCA the EMBA cost times the number of months remaining on the contract, divided by the total months of the contract.

Mr. Chaney stated that the third item is regarding the fair compensation on Mr. Stoliker's second year. Item 3a states that compensation will be reviewed each year. Mr. Stoliker understands this to mean that his salary will be reviewed as in past years and adjusted, including COLA, as part of the budgeting process by the Personnel Committee. SSCAFCA will pay at least \$100,000, including COLA, to Mr. Stoliker in the fiscal year 2009. This contract will be overseen by the Personnel Committee and taken to the Board for approval as part of the budgeting process.

**ADJOURNMENT.**

A motion was made by Steve House and seconded by Dub Yarbrough to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:25 p.m.

  
DONALD RUDY  
Secretary

  
JOHN CHANEY CHAIRMAN

DATE APPROVED: 12/21/07  
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