

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 21, 2008
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 9:03 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. 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 Steve House to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ANNOUNCEMENTS.

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

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Storm Drainage Improvements for Operation and Maintenance for the Saltillo Subdivision.

Mr. Stoliker stated that Saltillo Subdivision comes out just to the west of Rainbow Watershed. The City of Albuquerque had a subdivision in there that was accepting flow from the facility. Late in the development process, SSCAFCA entered into an agreement with Saltillo to give SSCAFCA \$200,000.00 to buy the right-of-way and build a 96" pipe. SSCAFCA has bought the right-of-way and constructed the pipe. SSCAFCA has inspected it and everything is fine. As part of that agreement, SSCAFCA stipulated that it would come back to the Board for acceptance for O & M. Everything is done on that subdivision now.

A motion was made by Mark Conkling to accept operation and maintenance of the drainage infrastructure for Saltillo Subdivision, which is within SSCAFCA's jurisdiction. It was seconded by Donald Rudy and passed unanimously.

2. Presentation on Additional Drainage Issues in Unit 17.

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Mr. Randall Carroll, Acting Engineering Manager of the City of Rio Rancho, stated that the City has been trying to work with SSCAFCA to determine the order of importance of regional drainage projects that SSCAFCA may be able to assist the City in completing. If the SAD were to go through completely, all of Unit 17 would be taken care of. One of the areas they are starting with is an area where a pond is being expanded and some piping is being done. A second area that has been identified is the Alberta Watershed Phase II Project. Phase III of the project would be putting in a Pond at Rio Mora to make it a drivable road again. Another project is in the Nacelle area, which has tremendous drainage problems. The development in Lomas Encantadas has not helped and may have hurt the area.

Mr. Dan Aguirre, of Wilson & Co., stated that the area asked about by Dub Yarbrough is in the Nacelle area and the problem with this area is that if you just do Nacelle alone with drainage, there are about 20 lots that don't have enough money to do it under the SAD. It would either have to be supplemented or taken out of the SAD. What was being proposed with the way the district is, if it goes forward, that area would be taken out of the SAD and made its own little district with Nagoya to get enough lots tied together to get a district to pay for utility and drainage improvements.

Mr. Carroll stated that there is a small amount of funding for the Nacelle area that he is using to start to acquire properties for ponds and easements for some drainage piping.

Mr. Aguirre stated that the priorities for Unit 17 include designing the Guadalajara Storm Drain Project, which would be about \$1.5 million to build and buy the properties. This will fix Chihuahua and Guadalajara up past Chihuahua and Kim Road. He believes the next place to go for fixes would be to Alberta and look at Phase II and make sure everything is resolved there. Mr. Carroll stated that he would tend to go more toward Nacelle given the current discussions.

Mr. Don Chapman stated that there are Phases II and III to the Guadalajara Watershed that they had hoped could be done next. They did get more funding from the Legislature and SSCAFCA will be the pass-through agency for the money, which is \$332,000.00. Carson is an area that needs to be looked at as well.

Mr. Stoliker stated that SSCAFCA is in the process of designing a portion of Guadalajara, but there is much more to be done. He is looking at about \$1.5 million for the actual construction, but budgets are very tight and SSCAFCA is having problems with finding the funds. Mr. Dodge had submitted a Corps application, which will delay the project. Mr. Dodge stated that they have submitted an application and met with the Corps on site yesterday, as part of the determination as to whether it is jurisdictional or not. It might take two to three weeks to get that determination. If it is jurisdictional, it might be several months of delay; if it is not, the project should be able to continue on schedule. Mr. Stoliker stated that if all the money is spent in one area, it won't help other areas within our jurisdiction.

Mr. Dodge stated that it is not a normal process to ask for funds from the Corps if it is determined that it is within Corps jurisdiction. It is a regulatory action, as part of the Clean Water Act. Mr. Chapman stated that they have made application for funds from the Corps through Congressman Udall's office. They were talking about a figure of \$1.5 million, to which they would add their percentage matching.

Mr. Eddie Paulsgrove, of the Corps of Engineers, stated that with regard to funding from the Corps, on this kind of project, it would come through their civil works division. In order for funding to be provided expeditiously, if Congress directs the Corps to provide funding in support of these projects, then that is what they'll do, over and above anything else that is ongoing. If it is a request and is put into the queue for civil works projects that are being conducted across the district, then it could take a while, up to years. An entity, including one like SSCAFCA, could request meetings to try to see how much under the civil works program could be done to provide whatever funding the Corps might have.

Mr. Williams stated that he was at a meeting with the Corps, several weeks ago, along with Representative Powdrell, and saying that it will take some time to get money from the Corps is putting it mildly. The Corps has nothing to do with the SAD. It will take a minimum of three years before the Corps can get involved. The people in the area can't wait that long.

3. Action/Acceptance of a Request for Moratorium for Tributary "A" Dam.

Mr. Stoliker stated that Clint Dodge went ahead and looked at Tributary "A" Dam, which is in the Black Watershed and he is going to make a presentation on that. Last month, they came in with the west branch of the Black and are in the process of asking for a moratorium on that when they realized that this facility should also have a moratorium and it would be better to take them in together. So, we are waiting to have this one done to submit it all to the City at once on the environmental mitigation area and Tributary "A."

Mr. Dodge stated that Tributary "A" comes into the West Branch at Unser where the 19th Avenue Pond is located. It is a flood control and water quality combined facility. Part of the purpose of the facility was to cut the flow down through the existing developed properties and get control of it. The dam footprint analysis looked at several options, one of which is west of 11th Street and one is east of 11th Street. They looked at different ways of putting in the 46 acre foot facility in the area. One of the design criteria was to provide an area for O & M and sediment storage outside of the flood pool for clean out. The discharge from the dam is 10 cfs. In concept "A," they propose putting in a storm drain and they have three alignments for that drain. He stated that the second basic concept is east of 11th Street. This is Concept "B." The site is smaller and is "crammed" into the area, with no flexibility. It will require a 15' berm for the embankment for the dam. Their recommendation for the dam footprint is Concept A because of these issues.

Mr. Dodge stated that the outfall alignment is an issue as well. SSCAFCA has a drainage easement in the people's backyards and could potentially put the storm drain through their backyards. The disadvantage would be the access issues. The other disadvantage is that the offsite flow still has to run through all the properties, which could run into Unit 17 type of issues. The second alignment is coming out down Venture Road and cutting back across to Vargas, and then down Vargas to the 19th Avenue Dam. This alignment has the advantage of picking up additional flow and cutting it off of several lots. The third alignment is to go out into Vargas and down Vargas all the way. The advantage of that is that it is shorter. The disadvantage is that they don't pick up the local flow in the Tributary "A" or any additional flow. Their recommendation is the Venture Road alignment. To get across does require the purchase of two lots, along with an additional corner acquisition of the lot from the church. The advantage is that it picks up more flow and the long-term benefit would be keeping the flow off of private property.

Mr. Dodge stated that the last thing they looked at was dumping it into the existing arroyo. This is not a good idea because it will be clean water that will erode and will be a short term fix from a phasing point of view. Their net recommendation is to put the storm drain in Venture Road, acquire the two lots, and acquire the 24 acres on the west side of 11th Avenue. The costs are estimated at \$2.8 million for the dam, assuming that SSCAFCA paid to have the dirt excavated and hauled off; the total storm drain through the 19th Avenue Dam is about \$4 million, half of which is to get it across the road into Vargas. The property is about \$2.9 million at \$100,000.00 per acre. This includes the two lots at the bottom. The total project would be about \$95 million.

Mr. Stoliker stated that today they are asking for approval of the selected alternative for the 24 acres, plus the two lots at the bottom for the crossing, and authority to ask the City for a moratorium on the area designated until SSCAFCA can ask for bond funding approval on it in the fall, since SSCAFCA doesn't have the money for it right now. If funding is not approved, the moratorium goes away. The implication is that if it is not done now, it will most likely have to be concrete lined later at a higher cost.

A motion was made by Mark Conkling to approve the selected alternative and the request for a moratorium as requested, to include any changes made by staff. It was seconded by Donald Rudy and passed unanimously.

4. Presentation on 2008 Legislative Session.

Larry Horan, SSCAFCA's Lobbyist, stated that this Session was interesting, but in the end, SSCAFCA came out with \$332,000.00 for flood control in the Chamisa area. This is only the second time that a flood control authority received any appropriation. There was only 40% of available capital outlay money this year. The thing to look forward to for the upcoming session is the projections are getting worse. There will be a lot less money available. SSCAFCA needs to identify projects early to approach the legislators next year to keep getting funds for its projects. All of the senators and representatives are up for election in November, but during the interim, they need to be hit up for money. He worked closely with David to get the priority projects to the legislators. The main priority for the 2009 session is to increase the bonding capacity for SSCAFCA, which would involve amending existing SSCAFCA legislation. The most recent number that he heard is to have it raised to \$100 million.

Mr. Stoliker stated that \$100 million bonding capacity would carry SSCAFCA far into the future. He also stated that the state engineer may change its jurisdictional dam from 10 acre feet and 10 feet in height for the berm, to 250 acre feet. It is important to give direction to Mr. Horan to follow that legislation.

Mr. Chapman stated that Senator Komadina gave SSCAFCA \$80,000.00; Senator Lovejoy gave \$52,000.00; Representatives Powdrell and Swisstack gave \$100,000.00 each. Mr. Meyer stated that it was Senator Lovejoy's understanding that the money she gave was going directly to Unit 17. He also spoke to Representative Powdrell, who stated that it was her intent that it go to Unit 17, and not just in the Chamisa Estates area. Mr. Stoliker stated that the only way that SSCAFCA knows exactly where it goes is when they write the actual grant.

Mr. Rudy stated that when SSCAFCA treats a drainage issue of this sort, it is not divided into one neighborhood or another. SSCAFCA is involved in correcting a flooding problem, and it is SSCAFCA's responsibility to do the entire engineering required to take care of the problem, along with all associated parts.

A motion was made by Mark Conkling to direct Larry Horan to pursue a \$100 million bonding capacity in the next session of the legislature. It was seconded by Donald Rudy and passed unanimously.

5. Action/Acceptance of Final Adjusting Change Order for Quick Bros. Excavation for the Harvey Jones Outfall Project.

Mr. Stoliker stated that he would like the Board to approve this final adjusting change order, but recognize that the parties are still in disagreement of about \$40,000.00 of the cost.

Mr. Dodge stated that this project is now done. They constructed during the bald eagle nesting period and numerous birds were seen, but there were no problems with nesting during the time. The total quantity of the excavation under the final adjusting change order was underrun a little bit and the net, as it is right now, is minus \$50,000.00. He was ready to recommend approval but yesterday Mr. Quick brought in a request to consider a different way to measure the quantities. That negotiation has not been done yet and he is not sure of the outcome, but it could be as much as a \$40,000.00 difference.

A motion was made by Mark Conkling to approve the final adjusting change order as presented, and refer any further changes to the Executive Committee. It was seconded by Steve House and passed unanimously.

6. Action/Acceptance of ROW Acquisition/Negotiation Services Contract Renewal with No Changes.

Mr. Stoliker stated that this is a renewal of the contract with Pinnacle and there are no changes in the contract.

A motion was made by Donald Rudy to approve the renewal of the contract as presented. It was seconded by Steve House and passed unanimously.

~~7. Discussion/Public Comment of SSCAFCA Infrastructure Capital Improvement Program.~~

8. Discussion/Action of February 11, 2008 Santa Ana Pueblo Request.

Mr. Stoliker stated that this is in the area of Enchanted Hills/Venada. SSCAFCA did a project up there when he first came to SSCAFCA, and as part of that project, there is a small portion of the upper watershed that is in the Santa Ana Pueblo. At that time, SSCAFCA had a report sent to the Pueblo by Cinfran, asking them to hold the flow to historic. The thought was that if they overran, SSCAFCA would work with the Department of Transportation and take all the flow right down 528, so there was a backup. The Pueblo is now coming in and they want to cross 528. SSCAFCA has been in contact with their attorney, Richard Hughes, and he has agreed to write up an agreement

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with SSCAFCA that has three parts to it. The first is to agree to their request that the present 20 foot easement be widened and he is fine with that. The second is that the pipe be structurally protected in order for SSCAFCA to go in and dig it up if necessary. The third is that they hold to historic in the watershed.

Mr. Metzgar stated that it is difficult to enforce something against a Pueblo, but if there is a written agreement, SSCAFCA would have a much better chance of enforcing it in Federal Court if the Pueblo were to breach the agreement. Mr. Stoliker stated that if the easement is expanded, it may protect SSCAFCA more.

A motion was made by Steve House to approve the Santa Ana Pueblo request as presented. It was seconded by Mark Conkling and passed unanimously.

9. Action/Acceptance of Sportsplex Dam Final Adjusting Change Order and Summary Plat.

Mr. Howard Stone stated that the total amount of the request is \$150,941.71. It represents \$51,387.00 reduction in the total approved contract price. He is recommending approval of the final adjusting change order.

A motion was made by Steve House to approve the final adjusting change order as presented. It was seconded by Donald Rudy and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF FEBRUARY 15, 2008.

A motion was made by Steve House to approve the minutes of February 15, 2008 as presented. It was seconded by Donald Rudy and passed unanimously.

TREASURER'S REPORT.

1. Recognition/ Acknowledgment of the Treasurer's Report for February 29, 2008.

Mr. Rudy stated that the Treasurer's Report is available for review by the Board. There were no questions on the report and it was acknowledged by the Board.

2. Action/Acceptance of Fiscal Year 2007 Audit Report.

Mr. Rudy stated the SSCAFCA's financial control is extraordinarily well done. Mr. Baird stated that the audit will be available on SSCAFCA's website very shortly. There is about a \$3 million increase in SSCAFCA's capital assets.

A motion was made by Donald Rudy to accept the audit report as presented. It was seconded by Steve House and passed unanimously.

CHAIRMAN'S REPORT.

Mr. Chaney congratulated SSCAFCA on the building of its first dam.

BOARD OF DIRECTOR'S COMMENTS.

Mr. House stated that next Friday will be his last day with HDR.

ATTORNEY'S REPORT.

None.

PUBLIC FORUM.

Mr. Rudy stated that he has had a request from a resident in Corrales to arrange access to the area next to the detention facility on Loma Larga at the corner of Cielo Azul. He, David Stoliker, and Jim Service have been working on this issue and they expect to have a resolution soon.

Mr. Eric Maddy stated that there will be an important program airing on April 10, 2008 with regard to crystal meth.

Ms. Vickie Burrell made comments in support of SAD 7.

Mr. Eddie Paulsgrove stated that they have issued the permit condition for construction of the hospital. Bo Johnson told them that they had the property and they were going to give the property to SSCAFCA for its stewardship. He will work with SSCAFCA with regard to getting the property placed in an easement.

FOR YOUR INFORMATION.

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

1. February 14, 2008 correspondence from the United States Environmental Protection Agency Confirming Our Notice of Intent.
2. FEMA Sub-Grant Agreement No. 3 was signed on February 20, 2008.
3. Acknowledgment from the City of Rio Rancho of termination of an easement in the Desert Ridge Subdivision.
4. The following infrastructure plans were signed by the Executive Director:
 - a. Hawksite Park No. 2, the Executive Director signed the mylars on February 4, 2008;
 - b. Loma Colorado NW Commercial Center, the Executive Director signed the mylars on February 5, 2008.

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5. February 20, 2008 Work Study Meeting Minutes.
6. AMAFCA's MRCOG Board Appointments.
7. February 27, 2008 correspondence from resident in Unit 17 requesting to be removed from SAD 7.

Mr. Yarbrough asked if staff had responded to this letter. Mr. Stoliker stated that there are two that have come in, this is only one. The response is most likely going to be that SSCAFCA really doesn't handle SADs and refer them to the City.

8. The following plat was signed by the Chairman:
 - a. Summary Plat of Tract 12-A, Cabezon Subdivision, was signed by the Chairman on February 15, 2008.

OTHER BUSINESS.

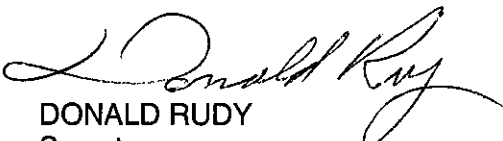
The next Board meeting is April 18, 2008 at 9:00 a.m.

Following this meeting will be the Sportsplex Dam Site Dedication near the west parking lot off High Resort Boulevard.

ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:20 a.m.

JOHN CHANEY
CHAIRMAN



DONALD RUDY
Secretary

DATE APPROVED: 4/18/08

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