

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JULY 17, 2009
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:03 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. John Chaney was 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 Mark Conkling.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

STAFF REPORTS.

Executive Engineer:

1. Presentation of ACEC 2009 Grand Conceptor Engineering Excellence Award and NMSPE Outstanding Engineer Project Award for SSCAFCA's Sportsplex Dam.

Mr. Stoliker stated that Howard Stone previously submitted the Sportsplex Dam for potential awards and was here to talk to the Board about the results. Mr. Howard Stone, of Bohannon-Huston, stated that SSCAFCA was lucky enough to receive two awards on the project. The first award is from the American Council of Engineering Companies, the local New Mexico chapter. It is the highest award that they give and is called the Grand Conceptor award for 2009. There are two awards, one for SSCAFCA and one for Bohannon-Huston. He passed around the plaque.

Mr. Stone stated that the second award is from the New Mexico Society of Professional Engineers and the award is for 2009 as the outstanding engineering project. He stated that the plaque doesn't say much with regard to the actual award, but he passed it around to the Board. Mr. Stoliker stated that the people who make the decisions on these awards have been around for quite some time and have a lot of experience on different projects so this award is really special.

Mr. House stated that he is on the Board of ACEC and the award will automatically be submitted for national recognition.

2. Action/Acceptance to cancel Harvey Jones Channel task-order funding (\$170,730) and issue Montoyas Arroyo Management Plan Update in the amount of \$160,126.84.

Mr. Stoliker stated that the general gist of this task order is to take money from the Harvey Jones Channel (HJC) study at the Corrales Bridge and use the funds to restudy the watershed because of vast changes upstream. Once the study is complete, the plan would be to return to the HJC and complete the alternatives concept design to address the issue of sediment blocking the channel under the Corrales Bridge.

Mr. Howard Stone stated that they had initially decided to do a small update to the Montoya Arroyo Watershed Management Plan that was completed in 2002. They were thinking there were small changes with regard to the watershed. He was shocked to find out there are about 40 developments in the area since the Master Plan was finished. The actual work was done in 2000, so that was the last time SSCAFCA had the correct information with regard to what was actually up there. This speaks to the issue of incorporating those developments into the Master Plan but also updating the Master Plan to reflect the now completed dam. The proposal is to move the money from the Harvey Jones Channel study to the Master Plan update. This would put SSCAFCA in a much better position when the work is actually done on the Corrales Bridge to know what is going on upstream.

Mr. Stoliker stated that the original task order that was approved was for \$170,730.00 and was conceptual planning on the HJC only. The request before the Board is to approve moving the sum of \$160,126.84 to do the Master Plan update. Mr. Stone stated that the difference between the amounts is because when they first got going on the project, they got the survey done up front, plus had a meeting with the Village of Corrales. Those two issues are the difference. The issue of the hydraulic jump still needs to be dealt with after the Master Plan update.

Mr. Conkling stated that it might well turn out that this new data would have a cost savings impact on how SSCAFCA approaches the bridge. Mr. Stone stated that is very likely. The better information SSCAFCA has the better ability SSCAFCA will have to deal with the Corrales Bridge bottleneck.

Jim Fahey, Councilor of the Village of Corrales, stated that it sounds like the issues addressed will decrease the amount of work that might have to be done. His question is how much of this was done after June 2006 when the big event occurred and the issue of the problems with the Harvey Jones Channel became apparent. Mr. Stone thinks the biggest change has been the completion of the dam upstream which has reduced the flows coming downstream.

Mr. Stoliker stated that the building permits boom was in 2006. He believes that there is so much that has happened since the plan was originally done, that SSCAFCA has to go back and look at it again.

Ron Reeder, a resident of Corrales, stated that in 2006 a good part of the problem was the amount of suspended solids that came down and he was wondering if that would be addressed in the studies. Mr. Stone stated that it is part of the study area. There needs to be better control of the upstream sediment.

A motion was made by Dub Yarbrough to approve the Montoyas Arroyo WMP restudy task order and the movement of the funding from the HJC task order, as requested. It was seconded by Steve House and passed unanimously.

NOTE: Wendy, from Seventh Grade Dragon Slayer, thanked SSCAFCA for allowing them to film on its property. This was the largest film made in New Mexico and they tried to find local people to be in the film.

3. Action/Acceptance of task-order for Drainage Facility Plan for City Center in the amount of \$74,943.75.

Mr. Stoliker stated that SSCAFCA did a Drainage Management Plan on the Barrancas and the Montoyas, the Upper SLO Dam, which is a facility plan, but the lower part had not been done. There has been a lot of activity in that area recently. Staff has been attending meetings with all the entities.

Jarod Liker, of Huitt-Zollars, showed the Board exactly where all the landmarks were on his map. Drainage reports have been done for each of the facilities separately. The idea behind this plan is to get all of the reports together, make sure they all are coordinated and they all work with the Upper SLO Dam, as well as the drainage infrastructure that is planned in the corridor and the PDV Dam. The report is due to be completed within 45 days. Mr. Conkling stated that there was a report on this issue at an Executive Committee meeting. Historical context shows a mayoral change, councilor changes, and major staff changes in the City. Often, people have been focused on particular projects. A targeted drainage plan was done, but an overall coordination plan was not forthcoming. When asked by people who want to build in the City Center what they need to do on the drainage, SSCAFCA didn't know.

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

Scott Sensenbaugher thanked SSCAFCA for its work and help on this issue because it is something that has been needed for quite some time. There is a lot of growth in the City Center area, with more coming, and to be able to make plans for the future is the right thing to do.

4. Action/Acceptance of task-order for Dos Amigos/Paseo Gateway Facility Plan in the amount of \$44,227.12.

Mr. Randall Carroll, Department of Public Works at the City of Rio Rancho, stated that this started with the Unser widening project. As that project passed from various project managers, etc., they found that there were approaches being taken on the drainage that were not

necessarily the most beneficial to everybody involved. As a result, he took the initiative to try to change the approach along the Unser frontage property to increase the runoff that would be taken care of by telling the engineer to consider all of that property as commercial, even though it was not so designated at that time. As a result, they found out that the original approach of having a couple of small ponds along Unser was not going to work very well. A larger pond was identified as being necessary, both from a flow requirement and a water quality requirement. They ended up requiring a larger pond off of the Unser property. As a result, the discharge from that pond was going to come down through the area previously labeled as Dos Amigos in order to discharge into the Montoyas Arroyo. Given the fact that funding had already been requested, with some project definition and limits on that project, it was not realistic to try to modify that funding request again. The discharge from the pond created from the Unser Project, as it comes down through the Dos Amigos area was not correctly sized. It was sized specifically to target the pond created by Unser in order to keep the scope of work for the DOT project.

Donald Duneman, of Wilson & Company, stated that he has been involved with the Unser Boulevard Phase II project for quite some time. This consists of widening from Cherry Road to Progress Boulevard. The right-of-way for Paseo del Volcan has been acquired by the Highway Department and takes up quite a bit of area and the platting is quite old. The development to the north is Paseo Gateway West, which is not currently approved. With the Unser Boulevard project, they took care of all of the off-site runoff that would cross Unser and then they focused on routing that through the pond south to the Montoyas Arroyo. Mr. Stoliker had previously asked if there was a different way of discharging to the arroyo. They looked at discharging to the west, but grades just didn't work out. The purpose of the facilities plan would be to come up with a plan to make it easier for development of the Dos Amigos area as far as drainage is concerned. The plan would upsize the outfall pipe in order to take on fully developed flows for the Dos Amigos area, and all off-site contributing basins. The cost for the study is \$44,227.12. Included in the task order are plans to update the Unser plans to include the re-design. He stated that SSCAFCA and the City will coordinate the cost sharing of the facilities.

Mr. Conkling stated that this issue has been raised in Executive Committee a couple of times. He stated that this is something that would have to be done in the future anyway. This turned out to be an opportunity for the City and SSCAFCA to work together by pledging future drainage impact fees to the cost of this improvement, providing SSCAFCA puts up the money to get it done.

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

5. Action/Acceptance of contract renewal with Crowley & Gribble, P.C. for On-Call Legal Services.

Mr. Stoliker stated that this is a standard contract renewal with no changes.

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

6. Action/Acceptance of contract renewal with Quick Brothers Excavating for On-Call General Landscape Gardening & Maintenance Services.

Mr. Stoliker stated that this is a standard contract renewal with no changes.

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

CHAIRMAN'S REPORT.

Mr. Conkling stated that the Executive Committee and the Board worked for some time on acquiring right-of-way needed for future flood control projects. In looking at the limited funds and the vast amount of property, they found that there was a disparity at how this might be done. People knew from the past that individual property owners have the right to build and sometimes it slides through the permit process where they build in areas that would be ideal for a drainage pond. SSCAFCA has worked with the City to find ways to flag the properties that SSCAFCA might want some day. The idea of leasing land, rather than buying it, was put to the Board. SSCAFCA's attorney reviewed the idea and found that it was within SSCAFCA's parameters to be able to do it, and in one of the areas where SSCAFCA is acquiring quite a bit of property for habitat, the Board has decided to give it a try. The habitat area comes out of SSCAFCA's idea to make a land bank for developers to be able to trade into and pay SSCAFCA for habitat that might be disturbed elsewhere.

A Realtor came to SSCAFCA with ten landowners who were interested in leasing land to SSCAFCA. SSCAFCA prepared a Lease Agreement, and has a right to buy the property. This gives people cash flow, identifies ponding areas, and gives SSCAFCA the right to purchase the property at the then appraised value. Ten leases were signed yesterday in this set-aside area. Since SSCAFCA cannot play favorites with any particular Realtor, the information will be put on the website.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Yarbrough asked about a letter received by SSCAFCA. Mr. Stoliker stated that it is a letter received from a Ms. Weiss who wants SSCAFCA to keep the property that it owns in Corrales, the four acres next to Patrick Marquez, as open space. Mr. Stoliker told her that, as a public entity that is focused on drainage and flood control, the issue will have to go to the Board for any final disposition on land, but his job is to maximize the amount of funds for drainage and that he is looking for someone to purchase that property. Mr. Conkling believes that SSCAFCA can sell it to an organization that is interested in keeping the land as open space and then SSCAFCA can get the money and she will be happy. An easement can be sold on the land, and not be sold in fee simple, for a price that prevents it from being developed.

Mr. Yarbrough asked if David Stoliker was moving forward with regard to handicap issues that were raised at a recent meeting. Mr. Stoliker stated that he has talked to the architect and they are looking into whether the front door(s) can be retrofitted to have a push button installed.

COMMITTEE REPORTS.

None.

ACTION/APPROVAL OF THE MINUTES OF APRIL 17, 2009 AND JUNE 19, 2009.

Mr. Metzgar stated that, with regard to the minutes of June 19, 2009, at page 4, the paragraph just above number 4 on that page, should read, "...Personnel Committee" rather than Executive Committee.

A motion was made by Donald Rudy to approve the Minutes of April 17, 2009 as presented. It was seconded by Dub Yarbrough and passed unanimously.

A motion was made by Donald Rudy to approve the Minutes of June 19, 2009 as presented with the change indicated by Mr. Metzgar. It was seconded by Dub Yarbrough and passed unanimously.

ATTORNEY'S REPORT.

1. Action/Approval of Resolution 2009-10 Amendment to Personnel Policy Section 106.

Mr. Metzgar stated that Resolution 2009-10 relates right back to what was being corrected in the minutes. This original amendment came to the Board at its June meeting to request a change on any open positions in SSCAFCA to be first offered to present employees and then, if present employees were not qualified or picked for the position, that it would then be published for the general public. The amendments were on paragraph 106 and the new Resolution are in the Board's packets. He read the changes to the Personnel Policy to the Board. It was unanimous that the Personnel Committee wanted to recommend these changes to the Board.

Mr. Rudy stated that the Board will be able to have input with regard to new hires, as well as interview applicants; however, it is not the Board's job to do the hiring. It is the Executive Director's job to do so. Mr. Yarbrough stated that he will vote yes, but with reservation regarding the Board's duties on hiring.

A motion was made by Steve House to accept Resolution 2009-10 as presented. It was seconded by Donald Rudy. Roll call vote: Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

2. Assignment of Bond Counsel Contract.

Mr. Metzgar stated that Bob Strumor, who was the bond counsel that was working with SSCAFCA over the past 11 years or so, was indicted over a situation with the Housing Authority bonds. Mr. Strumor feels very strongly that he will be exonerated, but he understands that this could cause concern to a public entity and, therefore, he has asked that the SSCAFCA contract with Hughes & Strumor, be assigned to Hughes Law, LLC, of which Strumor is not a member. Tommy Hughes, who is present in the audience, is here to answer any questions.

Tommy Hughes will carry out the future bonding work when needed. Mr. Metzgar received an assignment of the contract that can be signed if it is approved by the Board today. He recommends approval of the assignment.

Mr. Metzgar stated that when he received the assignment request, he immediately took it to the Executive Committee so that it could discuss it before it was brought to the Board. Mr. Rudy stated that Mr. Strumor has made the same recommendation to other clients and they have all accepted the assignment. Mr. Metzgar stated that there are two county clients, along with the University of Phoenix, and a law firm in Santa Fe who have all accepted the assignment. Mr. Conkling stated that the compelling reason for him in not going out for a new bid was the continuity of legal representation, the experience of The Hughes Law Firm, and the cost savings associated with assigning the contract rather than raising costs. The Executive Committee recommends approval.

A motion was made by Donald Rudy to approve the assignment of the bond counsel contract as requested. It was seconded by Steve House and passed unanimously.

Mr. Tommy Hughes introduced himself to the Board and thanked the Board

FOR YOUR INFORMATION.

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

1. Lease and Option to Purchase Agreement.
2. Guadalajara Storm Drain Improvements Phase IA Grant Reimbursement #3/Final.
3. Final payment was made on the Guadalajara Storm Drain Project for a total amount of \$835,987.76 for a savings of \$14,499.01. Project is now complete.
4. June 24, 2009 newspaper article, "Wall of Water".
5. June 28, 2009 newspaper article, "Homegrown 'Dragonslayer' Takes Shape".
6. Change of ownership for Enchanted Hills Dam #1.
7. Summer interns Elizabeth Stoliker and Collin Cannon will be with SSCAFCA through July.
8. Location Release for "I Was a Seventh Grade Dragonslayer, LLC".
9. July 14, 2009 correspondence from Susan Weiss regarding Sagebrush Drive/ Camino Hermosa Geologic Bowl, Corrales.

This was discussed above.

10. Lease Agreement Update.

PUBLIC FORUM.

Scott Sensenbaugher, of the City of Rio Rancho, stated that just this week they opened their bids on Paseo del Volcan, which is one of the largest road projects going at the moment. The engineer's estimate had some major drainage structures and major bridge facilities and was at \$26.5 million. The low bid was \$16.5 million. This is a sign of the economic times. Most of the savings is because there were some federal appropriations for some parts of the project.

OTHER BUSINESS.

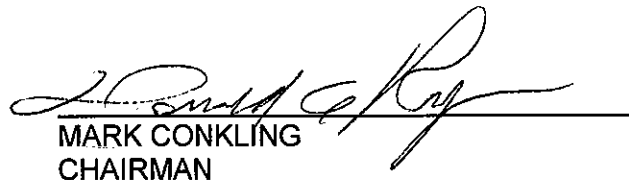
- Next Regular Board Meeting is on Friday, August 21, 2009 at 9:00 a.m.
- Mr. Stoliker stated that he would like to look into having a ribbon cutting ceremony on the Guadalajara project early in the morning before the meeting on August 21, 2009 and then everybody can come to the meeting at about 9:30 a.m. There was general consensus from the Board to do so.
- Mr. House stated that he has just been appointed to 2010 Census Planning Committee. He will be bringing the information to the Board to try to inform staff and the public about participating.

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.



STEVE HOUSE
Secretary


MARK CONKLING
CHAIRMAN

DATE APPROVED: 8/21/09