

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF AUGUST 20, 2010  
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 9:05 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. Bernard Metzgar, SSCAFCA's attorney and David Stoliker, Executive Director, were present.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Mark Conkling.

**APPROVAL OF AGENDA.**

Mr. Conkling stated that he would like to add Councilor Kathy Colley at the beginning of the meeting to address a drainage issue at Christopher Point.

A motion was made by Steve House to accept the Agenda as amended. 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.

**PUBLIC FORUM.**

Ron Myers asked for SSCAFCA's support with regard to SAD 9.

City of Rio Rancho Councilor, Kathy Colley, stated that the City would like for SSCAFCA to look at the Christopher Point Pond. She has received a lot of positive information from the residents with regard to landscaping and planting. Before that takes place, she would like to make sure that the pond works as it should.

Mr. Rudy asked about SSCAFCA's schedule for doing this work. Mr. Stoliker stated that the work is being done by the City through SAD 9. Staff has been talking with the public works staff in Rio Rancho. Given the recent issue with the SAD in that area, some parts got approved and other parts were not approved. Staff needs to meet and go

over that. This would have happened within the next 30 days. Staff has been focusing on the Petroglyph Medical Plaza and other projects. At the Board's direction last time, SSCAFCA would need to prorate the amount of funding for whatever the SAD was as compared to its current configuration. This would have been brought to the Board within a month or two, at the City's request. Mr. Conkling stated that it would take a vote of the Board to undo its commitment and SSCAFCA is not in a position to undo its commitments. What needs to happen now is that it needs to be targeted so that the City and the residents can work together.

Mr. Myer stated that a lot of the water that comes into the Christopher Point Pond starts out above the neighborhood and works its way down through the property. Mr. Conkling stated that SSCAFCA's habit is to look at upstream drainage.

**STAFF REPORTS.**

**Executive Engineer:**

1. Action/Acceptance of Resolution 2010-15 Infrastructure Capital Improvement Plan.

Mr. Stoliker stated that Resolution 2010-15, Infrastructure Capital Improvement Plan complies with the yearly request from the State that SSCAFCA supply a capital improvement plan. The Resolution is written by the City and SSCAFCA adopts it with the change in the government name and the attachment behind it. This is necessary to get state funding.

A motion was made by Steve House to accept Resolution 2010-15 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. Action/Acceptance of task-order with WHPacific, Inc. for Dulcelina Inlet Final Design & Construction in the amount of \$173,884.

Mr. Stoliker stated that this was in SSCAFCA's 2008 bond election. After the 2006 major flooding that blocked the Harvey Jones Channel, staff looked at sources of sediment. One of those sources is out of the Lomitas Negras. Slowly, but surely, with its projects, SSCAFCA is knocking down some of the sediment that goes into the Harvey Jones.

Clint Dodge, of WHPacific, stated that the project is to enlarge the existing sediment basin where the Lomitas Negras transitions into the Dulcelina Curtis Channel. The existing sediment basin has about four acre feet for storage during a major event. This plan will enlarge it to approximately 20 to 25 acre feet. The plan will use the existing

property to build a series of berms inside the existing property and excavate from the existing basin. The idea is also to use this as a multi use facility, such as a Frisbee golf course. It is about a \$1.4 million project. This task order will complete the concept design and take the concept to the design phase and get it ready to bid to start construction in March, assuming the money comes in on the 2011 bond issue. Mr. Stoliker stated that there are many benefits that are afforded from multi use facilities including the fact that people will take better care of multi-use outdoor spaces.

Mr. Conkling stated that in its Master Plan for multi-use of the arroyos, one of the things targeted was a Frisbee golf course, provided that there was no irrigation necessary. This is simply a path and some stakes in the ground. The overall cost of that is insignificant. Mr. Dodge stated that no grading of the Frisbee golf course is needed to maintain it. Mr. Stoliker stated that there is also a proposal in this task order to have a land artist review it so that it can be constructed in such a way to form land art when it is completed. Mr. Dodge stated that an example of a land art idea is to build the cells as sort of a free form spiral rather than just a series of straight lines across the middle of the basin.

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

3. Action/Acceptance of Rainfall Harvesting task-orders with:
  - a. Bohannan Huston on-lot ponding assistance in the amount of \$10,700
  - b. Huitt-Zollars on-lot ponding assistance in the amount of \$10,700.

Mr. Stoliker stated that Mr. Dodge has indicated that he is having some problems with how to develop the scope of work for the rainfall harvesting. Mr. Dodge would like to bring in Bohannan Huston and Huitt-Zollars to work with him and SSCAFCA staff to develop a scope of work on how to attack this issue.

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

Mr. Dodge stated that the meeting will be held next Wednesday at 2:00 p.m. at SSCAFCA.

John Chaney arrived at 9:33 a.m.

4. Recognition of LEED Platinum Certification for Building Addition  
: Discussion of Dedication Ceremony.

Mr. Stoliker stated that SSCAFCA received the LEED Platinum Certification on the building last week. Of the 55 points that were submitted, he was informed that SSCAFCA received 54 points, and needed 52 to be LEED certified platinum. Mr. Conkling stated that the process associated with the certification was arduous. He stated that SSCAFCA is taking all of its energy from the sun and not from the grid.

Laura Davis stated that they have decided on October 15, 2010 for the dedication ceremony itself. She needs to get a budget for the dedication ceremony and for the plaque. Staff is asking for \$10,000.00 for the dedication ceremony. Mr. Conkling stated that the Board will defer to staff for any decisions on the ceremony itself. The ceremony will be after the Board meeting on that date.

5. Action/Acceptance of the Joint Powers Agreement for Design and Construction of Drainage Improvements in the Salce Park Area of the Village of Corrales.

Mr. Stoliker stated that the Village has asked SSCAFCA to fund up to \$400,000.00 for improvements to Salce Park. Clint Dodge has prepared a plan that shows some of the things that can be done. The plan was approved in December or January but it has not yet been approved by the Village. The JPA has been reworked and still might need a little tweaking. Staff is asking for approval of the JPA which gives the Village \$400,000.00 for drainage and park improvements to Salce Park with two comments; one is that the plan needs to be approved and the final wording needs to be worked out.

Mr. Stoliker stated that this was part of the bond election and the money that would be available to the Village. He stated that SSCAFCA has set a minimum of 500 cfs for its projects. The flow was reduced when SSCAFCA redid the Corrales Heights Dam and piped that outflow to the Montoyas. It historically has been a regional facility. Clean water is very erosive.

A motion was made by Steve House to approve the JPA for the design and construction as worded; provided that the Salce Park Concept and Drainage Plan is approved by the Village and that the Chairman has authority to tweak the wording in the JPA. It was seconded by John Chaney and passed unanimously.

6. Action/Acceptance of Infrastructure Agreement with Petroglyph Real Estate Development, LLC.

Mr. Stoliker stated that the development is putting in a channel along the hospital. SSCAFCA has an easement in the area and the developer wants SSCAFCA to release the easement. SSCAFCA wants the developer to put in a pond. The City's SAD is in the area as well. Everybody is in agreement. The developer only had so

much money that it was able to put on the extraneous stuff. The City had the developer put the money on the pipe under Unser so that it would pipe across the road and drain the pond. All the infrastructure needs to be put in now because once the hospital is open; construction in the area would be bad. SSCAFCA agreed to take over the drainage of the pond and connect them to the pipe that is on the other side. In exchange for releasing the developer from that responsibility, the developer will put in the park improvements. The City of Rio Rancho Parks and Recreation Department is in agreement.

Mr. Stoliker stated that they have asked the City to allow SSCAFCA to bid it with an open trench and bid it so that it can be bored. SSCAFCA would prefer to have open trench and lay the pipe correctly and then put the roadway back. The City has an issue because of safety and breaking up a major traffic flow facility. SSCAFCA would pay for the cut and the pipes. The developer's money which would have gone to that will now go into the park. The developers usually pay for the infrastructure with regard to their facility. In this case, the developer has also bought land, put in extra amenities in excess of what is normally asked.

Mr. Yarbrough stated that SSCAFCA has the authority to turn the drainage plan down if it doesn't meet SSCAFCA's requirements. Whether the City is in agreement on the park, it is still half the size of the original plan. Mr. Stoliker stated that you can't have one development take care of the drainage for the entire subbasin. If SSCAFCA has to construct those pipes in a few years, it will be even more expensive. Mr. Rudy stated that he was under the impression that what is being called a park is a recreational facility within a water detention facility. For SSCAFCA to be talking about this as if it was a recreational facility is misleading, because it is a flood control structure.

Mr. Stoliker stated that there is another agreement working its way through the system that the City has as an initial draft from the developer. The language commits the developer to doing the park improvements and paying the full amount. If SSCAFCA takes over the responsibility for the pipe, the developer will still need to pay the same amount for the park improvements. Mr. Chaney suggested deferring this matter until SSCAFCA can see the plan. Mr. Rudy asked why these details were being reviewed piecemeal.

A motion was made by John Chaney to defer this matter until SSCAFCA sees the agreement. It was seconded by Dub Yarbrough.

Mr. Stoliker stated that he thought that agreement would have been finished before this meeting. He believes it will happen soon. He was hoping to get approval with the understanding that the Chairman, or staff, will make sure that the City's agreement is in place before everything is released. Mr. Conkling stated that the two big issues are whether SSCAFCA has been put back to where it was prior; which was that

SSCAFCA's drainage plan be approved and this is a multi-use facility. That has been done. What has been added is how much the developer pays. Mr. Metzgar stated that SSSCAFCA is not dealing with the developer not being obligated for anything. The agreement says the developer will construct the park with quality of life improvements. The agreement requires up to \$160,000.00 to be paid for the park. There is an attachment of the City agreement with the developer to SSSCAFCA's agreement.

Mr. Rudy asked that Mr. Chaney modify his motion to allow the Executive Committee to review the entire agreement and give it authority to complete this action.

The motion failed.

Mr. Chaney asked about the cost of the pipe going under the road. Mr. Stoliker stated that this has been a point of contention. The developer thinks it would cost \$180,000.00 to \$200,000.00. Others have said it will cost significantly less than that. This has brought up the issue of the open trench. The numbers received from Howard Stone were \$200,000.00 to open trench it and put in two or three pipes; to bore it was \$383,000.00. This did not include some of the roadway improvements that need to be made. The work can be done in about a week. The developer will spend up to \$160,000.00 for the park, and will pay another \$50,000.00 to SSSCAFCA.

A motion was made by John Chaney to send this back to the Executive Committee for approval contingent upon the City's approval of the open trench. It was seconded by Donald Rudy.

Mr. Conkling stated that to force one or the other solutions is going to cause even more problems. Mr. Chaney stated that it is in the public's interest to save the \$200,000.00 and close the road for one day. Mr. Stoliker stated that the total amount is \$210,000.00 that the developer will contribute; \$50,000.00 to SSSCAFCA to put a pipe underneath Unser; \$160,000.00 for them to put in the park. Mr. Conkling stated that the size of the park is the same as originally discussed. Mr. House stated that he would like to let staff bid it and get bids back doing the project both ways. Mr. Conkling stated that in the last meeting, the Board approved a task order to let Howard Stone work up the bidding of both procedures. If that task order is not honored, not all the information will be received. Mr. Metzgar stated that there is a problem with the motion because the decision on whether to have an open trench or bored is a City decision. This motion essentially says that only one decision can be made and it is not proper for SSSCAFCA to do. When SSSCAFCA gets the two bids in, it can then go to the City and show them the options.

Mr. Chaney withdrew his motion. Mr. Rudy agreed to the withdrawal.

A motion was made by John Chaney to send this to the Executive Committee for final approval. If the decision by the Executive Committee is to spend the money for the full bore under the road, then it must come back for Board approval. If the information is not in at the next Board meeting, then it will be deferred to the next Board meeting. It was seconded by Donald Rudy.

Mr. Stoliker stated that the idea from SSCAFCA's standpoint is an effort of cooperation. SSCAFCA needs to be doing the pipes, whether it's bore or open trench. The City does roadways and the developer and the City should work out the park situation between themselves. The issue between the City and SSCAFCA right now is that the City is very adamant that they are trying to establish control of their roadways. SSCAFCA should respect that. He asks that the Board give approval of this so that SSCAFCA can get through the first hoop, i.e., releasing the easement and letting the developer start its work. Mr. Conkling asked if it "gummed up the works" if the Executive Committee visits the problem and renders a final approval of the pipe structure and procedure. Mr. Stoliker stated that it will take a while because he's not sure Mr. Stone's numbers are right. Mr. Conkling stated that if the Executive Committee has final approval, then the agreement is signed, does that split the difference. Mr. Chaney stated that if the Executive Committee comes to the conclusion that it's not fair to the public to spend an excess amount of money that benefits a developer, then it comes back to the Board for further discussion.

Mr. Rudy stated that there are really two issues here. One is the exchange of easements and the other is the getting of water from one side of Unser to the other. SSCAFCA intends to do both projects. He asked if there was any reason why it could not be done separately. He stated that SSCAFCA could take on the easement exchange now because that would allow that part of the project to move ahead because it really isn't contingent upon the pipe or how to get water to the other side. Then, the Executive Committee could have the authority to take care of the piping issue. Mr. Conkling stated that this is a useful suggestion but that the commitment of the developer to construct the park and put up the \$160,000.00 would not be part of the solution. He does not want to miss out on that commitment from the developer.

Mr. Conkling stated that SSCAFCA could approve the agreement subject to the Executive Committee approving the expenditure and the process for the pipe crossing. The motion could be that SSCAFCA approves the infrastructure agreement as written, subject to the Executive Committee having advise and consent over the pipes across Unser. Mr. Stoliker stated that if it comes back and there really is a disparity between boring versus trenching, what happens if the City says that they will not let SSCAFCA do the open trench. He stated that if the Board approves this agreement, SSCAFCA will bore if the City tells SSCAFCA to bore. There will be no option. Mr. Metzgar stated that SSCAFCA must be clear that if this agreement is signed as is,

SSCAFCA is obligating itself to construct at least one 48" drainage pipe under Unser. The cost estimate for one pipe right now runs anywhere from \$80,000.00 to \$210,000.00.

Mr. Chaney withdrew his motion in favor of his original motion to table this matter until the facts are in, at which time the Board can have a special meeting to make a decision. He does not believe a decision can be made when the Board doesn't know what it will cost the public. The motion failed for lack of a second.

Mr. Stoliker stated that it will take a few months for Mr. Stone to get through everything in order to bid it. To actually know the numbers will take until November or December. Mr. Stone has given his estimates as to what it would cost, which are \$200,000.00 to \$383,000.00 for all three pipes. Mr. Conkling stated that he felt that it should be approved based on the Executive Committee deciding the nature and the character of the crossing.

Mr. Chaney made a motion to table this issue until the facts are better known to the Board. It was seconded by Dub Yarbrough. Roll call vote: John Chaney, yes; Mark Conkling, no; Steve House, no; Donald Rudy, no; Dub Yarbrough, yes. The motion failed 3-2.

Mr. Chaney stated that the second best approach would be to approve the agreement subject to the Executive Committee's final approval of the crossing. It was seconded by Steve House. No action was taken.

A motion was made by Mr. Rudy to approve this infrastructure agreement as written. It was seconded by Steve House and passed unanimously.

A motion was made by Mr. Rudy that if the Executive Committee decides that any changes need to be made in the agreement that it comes back to the Board as a separate and distinct item. It was seconded by Steve House. Roll call vote: John Chaney, no; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-1.

**7. Action/Acceptance of Declaration of Easement.**

Mr. Metzgar stated that this easement declaration by Petroglyph was done in January 2010. It still says "construction easement and right of entry" at the top and talks about the City and SCAFCA having the right to go back in. It also talks about a drainage facility being a soccer field, parking lot and utilities to service. We're really not talking about a soccer field. He believes the Declaration should be redrafted since so much time as passed, along with some other changes that need to be made.



A motion was made by Donald Rudy to accept the Declaration of Easement as presented subject to the necessary technical changes being made to it. It was seconded by Steve House. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 5-0.

**Fiscal Services Director:**

1. Action/Acceptance of contract renewal for General Maintenance services with:
  - a. Santiago's Native Landscape Services, LLC;
  - b. RAC Construction, Inc.;
  - c. CBKN Dirt Works;
  - d. WebbCorr Construction.

Debbie Casaus stated that staff is requesting acceptance of contract renewals for Santiago's Native Landscape Services, RAC Construction, CBKN Dirt Works, and WebbCorr Construction with no changes. All are in the third year of a four year contract.

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

2. Action/Acceptance of contract renewal with Edit House Productions for Public Relations Services.

Debbie Casaus stated that staff is requesting acceptance of a contract renewal with Edit House for public relations. They are in the third year of a four year contract and the contract contains no changes.

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

3. Action/Acceptance of contract renewal with Manual Lujan Agencies for Insurance Services.

Debbie Casaus stated that staff is requesting acceptance of a contract renewal with Manual Lujan Agencies for insurance services. They are in the second year of a four year contract and the contract contains no changes.

A motion was made by Donald Rudy to accept the contract renewal with Manual Lujan Agencies as presented. It was seconded by Steve House and passed unanimously.

**Environmental Services Director:**

1. Action/Acceptance of Selection/Agreement for Professional Water Resources Education Consulting Services.

Trevor Alsop stated that staff is asking for acceptance of a contract selected through an RFP process to provide water resources education. This is a part of the EPA permit requirement to provide public outreach and education. This will be an ongoing issue and will always be under SSCAFCA's permit, so it behooves SSCAFCA to have someone under contract to provide these services year after year. This is for education in the public school systems. This is a one year contract for about \$10,000.00 which will provide a full year's curriculum to ten fifth grade classes in the Rio Rancho Public Schools systems. The contract would have one year extensions for three years. In each of those subsequent years, they would like to increase the amount to eventually reach all of the fifth grade classes.

A motion was made by Steve House to accept the agreement for Professional Water Resources Education Consulting Services as presented. It was seconded by Donald Rudy and passed unanimously.

**Field Services Director:**

Westside Boulevard Channel – shotcrete started 08/01/10, coordinating with City of Rio Rancho for SAS and waterline crossings to the hospital.

Jim Service stated that the Westside Boulevard Channel was begun earlier this month and is proceeding very well. They probably have about 250 feet in the ground. They continue to interface with the City on the SAS and the water crossings and the access points.

He stated that there were also some pretty good rains here last week. The only significant damage that occurred in any facilities was in Mariposa. Mr. Kemper is going to review a crossing at Patchogue on the way to Mariposa where there was some erosion on the downstream pipe and the rip rap apron below that pipe. Some remediation will need to be done there.

**CHAIRMAN'S REPORT.**

Mr. Conkling stated that he wanted to remind the Board about the lobbyist going before the Legislature in the spring with a bottle and can ordinance that may turn out to be unpopular in some parts of the state but very popular in other parts. He will be meeting with various entities regarding this issue. A bottle and can ordinance can save millions of

dollars in the clean water programs. All the participating agencies in the bill get some money from the refund from the ordinance.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**COMMITTEE REPORTS.**

None.

**ACTION/APPROVAL OF THE MINUTES OF JULY 23, 2010.**

Minutes were not available, so no action could be taken.

**ATTORNEY'S REPORT.**

None.

**SECOND PUBLIC FORUM.**

Mr. Cheryl Ganch made comments on how pleased she was with regard to various SSCAFCA projects.

**FOR YOUR INFORMATION.**

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

1. Article on "College of Education Building Earns LEED Platinum Status."
2. Administrative Services Director position is being advertised with the selection anticipated to begin in October with a start date in January 2011.

**OTHER BUSINESS.**

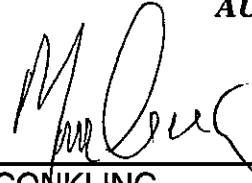
The next Regular Board Meeting is on Friday, September 17, 2010 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:18 a.m.

**BOARD OF DIRECTORS REGULAR MEETING**

**AUGUST 20, 2010**



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MARK CONKLING  
CHAIRMAN

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~~DONALD RUDY~~ Steve House  
Secretary

DATE APPROVED: \_\_\_\_\_



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