

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF DECEMBER 21, 1999  
REGULAR BOARD OF DIRECTORS MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:12 p.m.

Directors in attendance were James Dorn, Guy McDowell and Dub Yarbrough. John Chaney and Bill Joiner were noted as absent. Staff members present were David Stoliker, Executive Director. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

**APPROVAL OF AGENDA.**

A motion was made by James Dorn to move item J under Executive Director's Report to the beginning of the Executive Director's Report and that item E under Executive Director's Report be moved after item J and that the Agenda be approved as changed. It was seconded by Guy McDowell and passed unanimously.

**SECRETARY'S REPORT.**

1. Approve Minutes of December 7, 1999.

Mr. Stoliker stated that the minutes of December 7, 1999 are not prepared for today's meeting.

**TREASURER'S REPORT.**

1. Recognition/Approval of October 19, 1999 Approval of DFA of Final Budget for Fiscal Year 1999/2000.

A motion was made by James Dorn to approve the final budget as received by the Department of Finance and Administration. It was seconded by Guy McDowell and passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT.**

1. Mountain View Middle School Student Request.

Katy Dorn and Jessica Butchko were present to represent the students at Mountain View Middle School and to inform the SSCAFCA Board that they believe that the school is in danger of being flooded. They presented a drawing of a hill on their school that they take care of but, when it rains, the water rushes down the hill and floods the schoolyard. The students also had pictures of the area being flooded. The pictures were taken after school started in August.

Ms. Strasia, a teacher at the school, stated that she and her

students have worked to define trailways and maintain the natural landscape of the school property in the northwest area of the school. They feel the drainage problem needs to be looked at from a professional standpoint.

Ms. Strasia indicated that they have a grant of \$500.00 to build catch ponds, but they do not know how to go about starting that. They are here to request help in designing the catch ponds. If there is another rainfall like this past summer, the north side classrooms are in danger of being flooded. Ms. Strasia requested that SSCAFCA review the situation in a preliminary matter and furnish the school a report and guidance.

Mr. Stoliker stated that the schools are within the jurisdiction of the City of Rio Rancho. Small commercial development is normally reviewed by the city and SSCAFCA does not normally get involved in school construction. Of course, SSCAFCA could work with the public agency (i.e., school) in creating a solution.

Mr. Yarbrough asked if the NRCS could help with the problem. Mr. Korzdorfer, of NRCS, suggested that NRCS and SSCAFCA partner together as far as providing a resource to evaluate the problem and come up with solutions. Mr. McDowell stated that SSCAFCA must be careful because of its limitations in what it should get involved with. He wants to avoid anti-donation at all costs. Mr. Metzgar stated that anti-donation usually does not apply to support given to another governmental unit.

Mr. Stoliker was directed to find what other governmental entities would be willing to look into the problem and provide technical assistance to the school.

## 2. Approval of NRCS Revegetation Contract.

Mr. Korzdorfer stated that a report has been provided on the work that was done this past year in the Board members' packets. Mr. Korzdorfer stated that NRCS is trying to control the rabbit problem in various ways. The annual work plan for next year is very ambitious and NRCS is proposing to put up a widespread deterrent for the rabbits.

Mr. Korzdorfer stated that NRCS would acquire the material that will be needed because NRCS can get the material cheaper than SSCAFCA can buy it. Mr. Stoliker has reviewed the annual work plan and NRCS has already signed off on the final plan. Mr. Stoliker recommended approval of the revegetation contract.

A motion was made by James Dorn to approve the NRCS Revegetation Contract. It was seconded by Guy McDowell and carried unanimously.

3. Approval of Dam 4 to 1 Pipeline Project Final Change Order.

Mr. Stoliker stated that the original contract amount was \$1,843,301.00 and the total change in the contract is an increase of \$54,821.16. Dan Aguirre, of Wilson & Co., stated there are some additions in colored concrete, excavation and fencing, but that there were also some deductions. Mr. Aguirre stated that this amount includes the previously approved change order for \$20,249.32, so they are asking for an increase of \$34,571.84 today. With Board approval of the additional amount today, they will make final payment to the contractor. The project would then be considered complete and all closeout papers would be turned over to Mr. Stoliker.

Mr. Stoliker stated that the contractor has complied with all his contractual obligations and will be released, with the exception of a one-year warranty. Mr. Metzgar stated that the Solomon/Tapia matter would not come under the warranty. He further stated that the contractor has done all the work in accordance with the agreement with the contractor. Mr. Aguirre stated that his company's contract with SSCAFCA is still open and they will do whatever is necessary to finalize the matter. Mr. Aguirre's company is paying the survey crews on the Solomon/Tapia matter.

Mr. Yarbrough stated he was very happy with the work done by the contractor.

A motion was made by Jim Dorn to approve the final payment on the Dam 4 to Dam 1 Pipeline Project Final Change Order as presented. Guy McDowell seconded it.

The motion passed unanimously.

4. Review/Action on Units 8, 9, 10 of Enchanted Hills.

Mr. Stoliker reviewed the background surrounding Units 8, 9 and 10. (i.e., These Units are covered under the previously approved Master Drainage Plan and that SSCAFCA will take over ownership of the Encantado Channel to the east and south of Santa Fe Street). He stated that review/approval of the Units 8, 9 and 10 would be handled by the City of Rio Rancho. He stated that SSCAFCA is recommending that Units 8, 9 and 10 receive final plat approval, as long as the conditions of the letter provided in the Board members' packets are resolved.

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Mike Castillo, of AMREP, stated that AMREP has FEMA approval on the plans it prepared, subject to some conditions. Mr. Castillo agrees with Mr. Stoliker that the channel needs more of a safety factor.

Mr. Stoliker stated that the engineer for AMREP believes that SSCAFCA is too stringent on this matter. He stated that SSCAFCA has adopted the City of Albuquerque's criteria on how to build things for the public sector and SSCAFCA is trying to comply with this criteria to make sure that the construction of the Encantado Channel is proper. Mr. Stoliker stated that he believes SSCAFCA is also trying to meet the minimum criteria required by the FEMA regulations.

Mr. Castillo stated that they have a conditional letter of map revision, which means that it has met the review of FEMA, subject to certain conditions.

Ken Curtis, Public Works Director of the City of Rio Rancho, stated that FEMA allows local entities to take a more stringent standard because FEMA does not have on-site people. The City of Albuquerque has the best standard in this area, and that is why its DPM is followed. The City of Rio Rancho specifies that the DPM be used for all modeling and follows its procedures for construction of storm drainage.

Mr. Metzgar stated that SSCAFCA is going to maintain this particular structure and any criteria that SSCAFCA doesn't require may result in a problem in the future with higher maintenance costs. Mr. Metzgar stated that the Albuquerque DPM has been the SSCAFCA policy since its inception.

Mr. Castillo stated that they would not build the channel unless SSCAFCA approves it. Mr. Metzgar stated that SSCAFCA could go ahead and approve the letter without any changes, which will still let Mr. Castillo get started.

A motion was made by Guy McDowell to approve the letter as written and allow Mr. Stoliker to use Howard Stone and Clint Dodge as advisors on this project. It was seconded by James Dorn and passed unanimously.

5. Approval of 528 Diversion Channel Drainage Study.

Mr. Stoliker stated that the 528 Diversion Channel Drainage Study was discussed at the last meeting and he is looking for approval for it today. Mr. Metzgar stated that by approving the

drainage study, SSCAFCA would be approving it with all of the recommendations contained in it.

A motion was made by James Dorn to approve the 528 Diversion Channel Drainage Study as presented. It was seconded by Guy McDowell and passed unanimously.

6. Approval of Corrales West Side Drainage Investigation Phase I.

Mr. Stoliker stated that the Corrales West Side Drainage Investigation Phase I study was discussed at the last meeting and he is looking for approval for it today. Mr. Stoliker stated that Corrales has not adopted the study. Mr. Metzgar stated that by approving this study it would be approving it with all the recommendations contained in it. It sets forth very clearly what the Village's responsibilities would be. Mr. Stoliker stated that under the Conclusions portion it states that SSCAFCA was going to do a hydraulic analysis of the Corrales Main Canal. At the last board meeting, the Board was very clear that it wanted that to be the Village's responsibility. This is the only change in the study. Also, Board consensus appeared to indicate that at this time there would not be any future participation by SSCAFCA in the Corrales Main Drain without Board approval.

A motion was made by James Dorn to approve the Corrales West Side Drainage Investigation Phase I Study, with the change on the hydraulic analysis portion being the responsibility of the Village. It was seconded by Dub Yarbrough and passed unanimously.

7. Approval of Annual Report.

Mr. Stoliker stated that SSCAFCA completed many projects this year, including: the Dam 4 to 1 Project (\$3 million), the Lower Venada, Urban Ponds, Ivory/Lisbon Channel (\$1.2 million), the Harvey Jones Channel, Northern Meadows (\$1.2 million), USGS Joint Venture on the Urban Pond System, NRCS Revegetation and SSCAFCA issued more bonds this year. Mr. Stoliker stated that the mill levy rate has decreased since SSCAFCA came into existence. He stated that this year we had a 100-year event with no public loss of life and no damage to any of SSCAFCA's structures.

Mr. Stoliker stated that he has a list of goals for SSCAFCA this year. Item 2 lists 20 projects. Item 3 includes 25 different development review projects. He will combine this report and submit it to the different entities. The only thing not included in this annual report is a legal review letter that will be provided by Mr. Metzgar during the audit period. Mr. Yarbrough

stated that the Harvey Jones Channel inlet needs to be cleaned out. Mr. Stoliker stated that the work is 2/3 complete and will be finished this year.

A motion was made by Guy McDowell to approve the annual report as presented. It was seconded by James Dorn and passed unanimously.

8. Approval of The Mercado Drainage Study Recommendation.

Mr. Stoliker stated that the Mercado is a 12-acre subdivision located at 528 and Corrales Road behind the Giant Gas Station. They are asking SSCAFCA to allow direct discharge collected in a small pond to be piped underground to the Dulcelina Curtis Channel. Mr. Stoliker stated that by allowing this it would help SSCAFCA by decreasing the peak by about 1/2 cfs. Mr. Stoliker recommended approval, with the condition that they receive all the approvals from the State Highway Department and the City of Rio Rancho. The City of Rio Rancho will be required to provide a variance from their requirements to allow for free discharge of storm water.

A motion was made by Dub Yarbrough to approve the Mercado Drainage Study. It was seconded by James Dorn and carried unanimously.

9. Approval of Employee Job Classification/Exemption Status.

Mr. Stoliker stated that in going over the personnel policies, he couldn't find anything in the files that show what SSCAFCA has done with the different positions as to exempt status. Mr. Metzgar stated that in the personnel policy, the personnel are placed in different categories. He stated that Classified Employees are permanent SSCAFCA employees entitled to all rights and benefits described in the policy. The Exempt employees would include any position of employment determined by the Board of Directors to be exempt from application of the Fair Labor Standards Act and which SSCAFCA is not obligated to compensate for work in excess of 40 hours. Mr. Metzgar stated that most managerial positions are exempt positions. The Fair Labor Standards Act states that if an employee works over 40 hours in a week, any overtime work must be paid at 1 1/2 times their hourly salary. The Board determines who is exempt. Mr. Metzgar stated that the policy does allow the Executive Director to give comp time to exempt personnel for over 40 hours.

Mr. Stoliker recommended that he be listed as a non-classified, exempt employee. He also recommended that the

Development Coordinator position be a classified, exempt employee and that she be in-charge when he is not available. Neither would be subject to 40 hours per week. The accountant, right-of-way coordinator, receptionist, and file clerk would all be classified, non-exempt employees.

Mr. Metzgar stated that all overtime work must be authorized in advance by Mr. Stoliker, which would protect SSCAFCA.

A motion was made by Guy McDowell to approve the Employee Job Classification/Exemption Status. It was seconded by James Dorn and carried unanimously.

10. SSCAFCA Pond #1, Corrales South Urban Center.

Bill Nelson suggested a discussion on Pond #1 in the Corrales South Urban Center. His client has an interest in acquiring title to Pond 1 for the purpose of redeveloping it into an urban development lot. The Corrales South Urban Center is about 14 acres of platted land and Pond 1 sits south of the intersection of Jackie and Stephanie Road. His client would like to develop those lots to put buildings on those lots. Mr. Nelson stated that in exchange of the disposition of that pond from SSCAFCA to his client, and in establishing a recognized fair value for the land included in that pond, his client would build a building for SSCAFCA's use on SSCAFCA's property off of Southern Boulevard. A value would need to be identified, as would an estimate of SSCAFCA's needs and requirements in the structure, along with a timeline for construction to be completed.

Mr. Stoliker stated that the waters that are currently held in the pond, once it is filled, are piped directly down Eileen on the south side of the road into Pond #2. The storm waters then collect in Pond #2 and go into an outlet structure that goes underneath Meadowlark and then into Pond #4.

Mr. Yarbrough stated that AMREP donated that pond to SSCAFCA as a flood control facility. Mr. Metzgar stated that he believed that there was a provision in the deed that if it was not used as a flood control facility, AMREP had the option to take it back.

Mr. Nelson stated that his letter of December 1st addressed the question of the reversionary language. His client is not in any way trying to establish a timeline for concurrence to this matter. He further stated that if the property does revert to AMREP it is not a problem for his client because the property was bought from AMREP in the first place.

Mr. Stoliker stated that the capacity of Pond #1 was factored into the hydraulic analysis used to determine the capacity of Urban Pond #4. If you remove Urban Pond #1, the hydraulic analysis would need to be rechecked and additional storage provided somewhere else. Mr. Yarbrough stated that he is concerned about the capacity and will defer to the engineers. He is willing to entertain the idea if the engineers can make it work, so long as there is no cost to SSCAFCA. There was approval in principal to entertain the possibility of getting rid of Urban Pond #1 as long as the integrity of the Urban Pond system remained. This will require a technical evaluation and the Board cautioned that the developer keep SSCAFCA informed and to not expend a lot of money at this time.

**CHAIRMAN'S REPORT.**

Mr. Yarbrough stated that he received a request from the reporter at the West Side Journal if she could pick up a packet for every Board meeting when it is made available to the Board members so she could review it and be better informed at the meetings. Mr. Metzgar stated that the only problem that would need to be taken care of would be that any closed session material could not be included in the handout to the reporter. She stated that it would be ideal if it could be mailed to her at the same time it is mailed to the Board. Mr. Stoliker stated that if we provide the information to the Journal, we should provide it to the Corrales Comment and The Observer. Direction was provided to mail the packet to any of the three news organizations if they desire.

**DIRECTOR'S COMMENTS.** None.

**OTHER BUSINESS.** None.

**PUBLIC FORUM.** None.

**CLOSED SESSION.**

A motion was made by James Dorn to go into a closed session for purposes of discussing pending litigation on the Dam 4 to 1 Pipeline Project - Tapia/Solomon case, and potential litigation on Dams 4 to 1 Pipeline Project. Guy McDowell seconded it. Roll call vote: James Dorn, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 3 to 0.

The Board went into closed session at 3:48 p.m.



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**RESUMPTION OF OPEN MEETING**

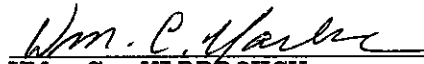
The Board reconvened in open session at 4:15 p.m.

Mr. Yarbrough stated that the matters discussed in the closed meeting were limited only to those specified in the motion for closure.

Mr. Yarbrough stated that no action was necessary on the matters discussed in the closed session.

**ADJOURNMENT.**

A motion was made by James Dorn and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 4:18 p.m.

  
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WM. C. YARBROUGH  
Chairman

  
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BILL R. JOINER  
Secretary

DATE APPROVED: 1-18-2000