

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**MINUTES OF JULY 17, 2001
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 1:15 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Dub Yarbrough, Chairman.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Richard Deubel, Guy McDowell, and Dub Yarbrough. Mark Conkling was noted as absent. Staff members present were David Stoliker, Executive Director, and Bob Foglesong, Drainage Engineer. Perry Baird, SSCAFCA's accountant, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

APPROVAL OF AGENDA.

Mr. Yarbrough stated that he would like to move items IX, XI and XIII to follow item VI, Consent Agenda.

A motion was made by John Chaney to approve the Agenda as amended. It was seconded by Richard Deubel and passed unanimously.

PUBLIC FORUM.

None.

CONSENT AGENDA.

1. Approval of the Minutes of June 19, 2001.

A motion was made by Richard Deubel to approve the minutes of June 19, 2001 as presented. It was seconded by Guy McDowell and passed unanimously.

2. Action/Approval of Treasurer's Report for 06/30/01.

A motion was made by Dub Yarbrough to approve the Treasurer's Report dated May 31, 2001 as presented. It was seconded by John Chaney and passed unanimously.

CHAIRMAN'S REPORT.

1. \$4,000.00 loan request by Ciudad Soil & Water Conservation District.

Mr. Tony Popper of Ciudad Soil & Water Conservation District, spoke on Ciudad's request for a short-term loan from SSCAFCA of \$4,000.00. He stated that Ciudad has two CDs, but if they cash them in now, they will lose a great amount of interest. Ciudad will be receiving an allotment by the state most likely in August, which is their yearly stipend. Most of that money goes toward payment of their one employee. There is very little money for projects at the current time. The Soil & Water Conservation Districts are mandated by the state to do a soil and water evaluation on every subdivision in every county, except in municipalities that have facilities of their own. Ciudad has to pay for the licensing, the maintenance, and all fees.

Mr. Metzgar stated that SSCAFCA has authority to make a loan of this nature. The statute does not specifically talk about granting loans, but it does say that SSCAFCA can contract with any other governmental agency for flood control purposes, etc., under which this request would fall.

A motion was made by John Chaney to approve a \$4,000.00 loan to Ciudad on a 90-day term with no interest. It was seconded by Guy McDowell and passed unanimously. Mr. Chaney stated that if the length of the loan is insufficient, then Ciudad could come back and request an extension from the Board.

2. Personnel Issues: Contract Review/Renewal for David Stoliker.

Mr. Yarbrough stated that the final budget for fiscal year ending June 30, 2002 shows that the Board approved a 3.4% increase for all employees, with the exception of Mr. Stoliker. Mr. Stoliker's contract renewal is scheduled for August 17, 2001. Mr. Yarbrough stated that he feels that Mr. Stoliker should get 3.4% cost of living adjustment also. Mr. Baird stated that the final budget numbers could be changed to reflect the increase in pay for Mr. Stoliker.

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A motion was made by Dub Yarbrough to approve a 3.4% cost of living increase in pay for Mr. Stoliker and to renew the terms of the agreement for an additional year. It was seconded by John Chaney and passed unanimously.

ATTORNEY'S REPORT.

1. Update on Budagher easement and Solomon/Tapia lawsuits in Dams 4-1 Project.

Mr. Metzgar stated that the Budagher case had been settled a long time ago, but in the settlement, SSCAFCA agreed to build a cul-de-sac for his property because of the easements that were taken. However, the settlement was based on the old alignment. When those easements weren't taken, the Budaghers and SSCAFCA agreed that SSCAFCA would not be obligated to build any kind of cul-de-sac and that the property owners would get back their easements, but it was never put in writing. He felt it was best to have something in SSCAFCA's records to show that it did not have to build the cul-de-sac. He drew up a letter to attorney John Budagher, the son of the property owners who represented them, and in that letter he requested that the Budaghers sign it to relieve SSCAFCA from any responsibility for building the cul-de-sac in exchange for release of the easement on their property for the old alignment. This task has been completed, the documents have been signed and the easement has been released.

Mr. Metzgar stated that the Tapia and Solomon lawsuits are still open. These lawsuits were also part of the original alignment. However, when SSCAFCA changed its alignment, SSCAFCA still wanted to use the property for storage of soil during the construction of the pipeline on the new alignment. SSCAFCA agreed with them to level some of their property at places in exchange for its use. After the job was completed, some problems arose related to the agreement. However, SSCAFCA was able to fix the problems. The Defendants were still not satisfied, but recently he was contacted by Larry Tapia who told him that they were not going to argue any more and they were ready to dismiss the lawsuits. He has prepared the motions and orders to dismiss and he is waiting to hear back from them. Once these cases are finalized, that will conclude the Dam 4 to 1 Project.

2. Update on Unit 17 and Dams 4 to 1 Excess Properties.

Mr. Metzgar stated that the Unit 17 properties were advertised for sale again, but no response was received on any of them. This is the third time that those properties have been advertised. He stated that work only continues on the two properties approved for sale in the Dams 4 to 1 project.

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CLOSED SESSION.

A motion was made by Guy McDowell to go into closed session for the purpose of discussion of potential litigation on Loma Larga Road in the Village of Corrales. It was seconded by Richard Deubel. Roll call vote: John Chaney, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes. Motion passed 4-0.

The Board went into closed session at 1:55 p.m.

RESUME OPEN SESSION.

A motion was made by Richard Deubel to resume open session. It was seconded by Guy McDowell and passed unanimously.

The Board resumed open session at 2:23 p.m. Mr. Yarbrough stated that the items discussed in closed session were related only to the issue stated for the closed session and that no formal action was taken.

DIRECTOR'S COMMENTS.

None.

EXECUTIVE DIRECTOR'S REPORT.

Mr. Stoliker stated that he has a letter from the Village of Corrales that asks for monetary assistance in funding a drainage management plan for the Northwest Sector. Corrales indicated that it needed an immediate response because of deadlines in this matter. Mr. Chaney stated that Mr. Stoliker should write the Village a letter, which indicates a drainage management plan, is normally taken on by the private developers who would benefit from the development, rather than a public entity.

Mr. Chaney also stated that Mr. Stoliker's letter to the Village should state that SSCAFCA has not received any response to its July 5, 2001 letter, which requests information from the Village on Loma Larga and that SSCAFCA expects cooperation on this issue. There was general consensus on Mr. Chaney's statements.

1. NM 528 Drainage Conveyance Study Update.

Mr. Stoliker stated that the proposed study shows the scope of work, and a map of the area. Mr. Dodge has developed a criteria, constraints and assumptions document which identifies all the criteria that will be used on this project. This document will be signed by all the technical staff representatives for each of the entities and will then become the basis for all design decisions. This document will help to alleviate disagreements between entities on the design. Mr. Stoliker will be signing the document for SSCAFCA. If the Board see any problems with the enclosed draft document, please provide the comments as soon as possible. Mr. Stoliker also noted on the document that if the flow cannot be limited to 1000 cfs prior to entering the AMAFCA channel, further study may be needed. The NM 528 Drainage Conveyance Study has begun and will be submitted in draft form in approximately two months.

2. Roskos Field Pond Project Update.

Mr. Stoliker stated that SSCAFCA is receiving a good amount of public relations out of this project. He stated that the wetlands planting is scheduled to take place in the morning of August 25, 2001. The ribbon cutting is scheduled for September 5, 6 or 7, 2001 and that Roskos Field will be open by Labor Day. The ribbon cutting is being coordinated by Rio Rancho Parks and Recreation.

3. Action/Approval of a Task Order with BHI to Develop and Implement the Precipitation Monitor System Grant.

Mr. Stoliker stated that he has received the task order from BHI to implement the grant that was received by the government. The task order is to do the studies, put in all the devices and includes a schedule to complete the project within the allotted time frame. The grant plus the SSCAFCA match were previously approved.

Mr. Stone stated that there are two kinds of gauges being proposed to be acquired. Some are automatic and takes a reading every five minutes. The others are more standard where you rely on the person who has the gauge to read it.

A motion was made by Guy McDowell to approve the task order with BHI to develop and implement the Precipitation Monitor System Grant as presented. It was seconded by John Chaney and passed unanimously.

4. Action/Approval Restricting Penetrations into the Harvey Jones and the Dulcelina Curtis Channels.

Mr. Stoliker stated that the Prairie Sunrise subdivision is in the process of being built. It is west of the Dulcelina Curtis Channel right at the boundary between Corrales and Rio Rancho. SSCAFCA has been approached by the project engineers about penetrating the Dulcelina Curtis Channel for drainage purposes. He is suggesting that the Board not allow any penetrations of that structure.

Mr. Stoliker stated that there are currently three access points for surface drainage to enter Harvey Jones and Dulcelina Curtis Channel. That area was taken into account when the NRCS built both of those facilities and it should have sufficient capacity. This particular subdivision can be taken care of by over land flow. The problem is that the developer does not want to use some of his property for detention, but would rather build lots on them. He stated that the hydrology and the hydraulics are under question for both channels. If SSCAFCA were to alter the channel, it could assume liability for that channel.

Mr. Stone, of BHI, stated that when they design facilities, such as ponds, channels, etc., they do add a level of contingency (or freeboard) to the structure beyond the design. The intent of the freeboard is for unknowns and hydraulics, such as wave action and debris coming down the channel. They add typically between two and three feet to the capacity as a matter of course. During the course of the design of the Harvey Jones Channel, they had to compromise their natural ability to include freeboard with regard to where the bridge was going to go and how it was going to go across the channel. They lowered the freeboard and lowered the bridge, and they lowered the outlet with respect to where it falls out into a catchment facility downstream of the bridge. The capacity is limited by the bridge itself, not by any freeboard.

Mr. Stone stated that at the time the NRCS designed the bridge, they used a certain level of assumptions for development, which was not 100% developed. He is not sure what number that was. When the channel was designed, the NRCS believed the capacity of the channel was 8,000 cfs, but the actual capacity is closer to 5,000 cfs. Mr. Stone stated that the existing condition has been identified as approximately 5,800 cfs.

Mr. Yarbrough stated that the original design of the channel called for the roadway to be elevated quite a bit higher. A lot of people complained to the SCS about having an ugly hump in Corrales Road. That forced SCS to alter the design by widening the channel at that

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point, installing the support in the center, and lowering the bridge at its present location. This is causing the bottleneck in the channel.

Mr. Stoliker stated that the way the development process manuals are written, if there is a bottleneck downstream, development has to hold flow to meet that bottleneck capacity. Additionally, the facility was designed for a certain amount of flow to enter it. If the facility were altered, it would be incumbent upon the Developer to provide the information needed to prove that there are no adverse effects from the alteration. NRCS and SSCAFCA would be required to approve or reject the submittal. In this particular case, the channel capacity has not been reached according to the NRCS (8,000 cfs), but has been reached as seen in SSCAFCA's last study performed by BHI. In this case, until the channel capacity issue is resolved, no alteration to the channel is being allowed. Mr. Stoliker requested Board confirmation/alteration of this policy.

When asked, Mr. Stoliker stated that when a facility provides a benefit to a developer, the developer should pay for it. If it provides a benefit to the public at large, SSCAFCA will generally try to work with the different entities to address it.

A motion was made by Guy McDowell to not allow penetration of the Harvey Jones and the Dulcelina Curtis Channels. It was seconded by Richard Deubel and passed unanimously.

5. Action/Approval of a Task Order for BHI to Study Roadway Effects on the Harvey Jones and Dulcelina Curtis Channels.

Mr. Stoliker stated that he had a meeting with the Natural Resource Conservation Service and a red flag went up in the meeting. The meeting was to talk about the channels and the Northwest Sector and what can and cannot be done. One of the things that came out of the meeting was that SSCAFCA thought that NRCS had approved roadways right next to the channel. According to the NRCS, the channel was designed for a 19,000 pound per axle static load road next to the channel, a minimum of two feet away from the channel wall. What exists today is an unlimited/unrestricted live loading, which vibrates the channels. SSCAFCA believes that a roadway was dedicated next to the channel for up to 30 feet, which means that the Village could put a roadway on there. Mr. Stoliker suggested possible solutions include imposing a load limit on it today, put a speed restriction on it today, close the road, or do a study on it. To properly assess the situation, Mr. Stoliker recommends a study be done. A task order for the study has been prepared and is enclosed in your packet.

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Mr. Stone has provided a task order for \$21,000 to do a study on the channel to see what it can take transportation-wise.

Mr. Stone stated that in the meeting it was clear that the NRCS never designed the channel to have a road so close to it. You have other considerations such as shortening of the life of the channel and safety of the traveling public with a road being right next to the channel. The study would be able to prove to everybody involved that having the road right next to the channel is an unsafe situation.

Mr. Metzgar stated that when the channel was designed, it was originally designed with a maintenance road. During the time, there were approximately 40 condemnation lawsuits. As a result, many of the property owners who had their property split in half did not have access to their property. They had been using an MRGCD private road. The property owners could not get bank loans on their properties because they didn't have public access. At that time, CWD decided that it would like to give those property owners public access to their properties. CWD went to the Village to make them public roads, and also to NRCS (then SCS) and they approved it also. CWD also wanted to dedicate the roads to the Village. The Village did not want the roads dedicated unless CWD paved them and did other work on them. CWD then declared them public roads and recorded the declaration. The Village later came to CWD and asked it for other property that the Village wanted for a future road. CWD considered giving the Village that property, if the Village took the roads as dedicated Village roads, which the Village did. Mr. Metzgar stated that he believes the 30 feet began immediately adjacent to the channel walls.

Mr. Chaney stated that he would like to table this matter until such time as Mr. Yarbrough and Mr. Stoliker can look at the roadway adjacent to the Channel and until the Northwest Sector Plan is developed to see if a road is even needed. There was general consensus to table this issue.

FOR BOARD INFORMATION:

1. The Auditor Will be Working in the Office Beginning July 23, 2001.

Mr. Stoliker stated that the auditor will begin working in the office on July 23, 2001.

2. Please Note: The Bond Election Date Must be Scheduled Soon. This Will be Addressed at the Next Meeting.

ACTION/APPROVAL OF THE CISTERN, PARKING STRUCTURE, STORAGE BUILDING AND FINAL BUDGET FOR THE NEW SSCAFCA OFFICE BUILDING.

Ms. Kris Callori outlined two different types of shade structures. Mr. Deubel stated that he thought the shade structure was voted out at the last meeting. Mr. Stoliker stated that what he remembered was that the Board wanted to see if the shade structure could be brought in at a more reasonable cost. If this were in error, staff would be pleased to delete this item and move on to the next. There was general consensus to see what EDI developed for cost reductions.

Ms. Callori stated that they looked at two different structures. One structure is a single post cantilever structure. Another would be to take the simple structure and "jazz" it up a little. The proposal for the vine-covered structure has a little more aesthetic quality to it and is not as obtrusive to the design of the building. The first structure, to cover five spaces in the public lot and six in the staff lot, will cost \$11,872.00 and the second structure with the vines will cost \$19,759.00, plus a little bit for the design coordination with the parking structure company.

Mr. Baird stated that the Board can either budget the parking shade structure into the final budget for the building now, or it can vote to amend the budget later. He and Mr. Stoliker feel that the Board wishes to pursue the structure; it should budget the maximum for the building now. If it is decided to provide a line item for the parking shade structure now, the Board is not required to have the structure built.

A motion was made by John Chaney to table the matter of the parking shade structure and to take it out of the budget at this point. It was seconded by Richard Deubel and passed unanimously.

Ms. Callori stated that they have put together two different options on the maintenance and storage building. She briefly discussed the two options. When asked, Mr. Stoliker stated that it is not necessary that the building be done at this time. Mr. Chaney stated that there is no equipment and no staff to put in the building, and the Board does not expect to have any equipment or staff to put in the building for about three years.

A motion was made by John Chaney to table the matter of the maintenance and storage building and to take it out of the budget at this point. It was seconded by Guy McDowell and passed unanimously.

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Ms. Callori stated that the next item up for the building budget was the cistern. Ms. Callori stated that there are two cisterns. One associated with the metal building, which is out and not really an issue. The more important part is the cistern close to the office building, which is designed to irrigate all the landscaping on-site. The cistern would catch the rainwater off the roof. The cistern is an integral part to the design of the building, especially from a standpoint of education to the public and responsibility to the environment. She stated that they sized the cistern for the annual load for the site for irrigation, etc. which could be used as a supplement to the city use for irrigation. The educational component to the public is very key for the cistern. As the cistern is designed now, at 15,000 gallons, the cost is \$25,000.00.

Mr. McDowell stated that he is in favor of the cistern. Mr. Chaney stated that SSCAFCA is the type of agency that should experiment with this type of thing. Mr. Yarbrough stated that he is not in favor of any type of cistern system in the ground. He is concerned about the maintenance costs of an in ground cistern. He would prefer to have an above-ground tank. He stated that he is concerned about additional costs in having to clean up the water picked up off the ground. Mr. Stoliker stated that the cistern would have a thirty-year return on the investment.

Mr. Beierle stated that the system they are proposing is 12 feet in diameter and 18 feet deep. Ms. Callori stated that if the system is one that will catch water just off the roof, it would be much smaller. Mr. Deubel stated that the building is already over budget. Mr. Stoliker stated that the Board has the money if it wishes to use it for this purpose. Mr. Yarbrough stated that just because they have the money, it doesn't mean they have to spend it. Mr. Beierle stated that an above-ground system would be more along the lines of the smaller cistern, which works out to about \$1.00 per gallon. There would be an additional cost as far as getting the water from the roof to the cistern. Mr. Deubel stated that he is concerned about the cost-effectiveness of the system.

Ms. Callori stated that right now the budget is about \$100,000 over budget. The first goal they had when they initially started was to have the building work well, be cost effective and environmentally sustainable. The design for the building does work very well, is cost effective and is environmentally sustainable. Some of the ideas they have incorporated into the building will save money in the future as shown in the energy analysis they showed at the last meeting, but they have an up front cost. To Date, they have had two rounds of cost estimates done. The first was with the schematic design set, which is a real basic set, and they had to make a lot of assumptions on different materials and systems. The second round

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of cost estimating came with the design development set, which reflected a lot of the discussions on the life cycle costs and energy efficient materials. That estimate came in higher because they stayed with the quality building as opposed to coming in under budget.

Ms. Callori stated that the \$990,000.00 amount does not include any of the outstanding items, but it does include the design costs. Mr. Yarbrough stated that he was unhappy that the costs have ballooned so much between the initial building and the final building. Ms. Callori stated that they want to give SSCAFCA a quality building. The building they have created meets SSCAFCA's requirements and also meets the level of quality they have promised.

Mr. Chaney stated that the Board might feel better if EDI did not charge SSCAFCA for the design fees on the parking shade structure and the storage building. Mr. Beierle stated that since the Board is not going to do the parking shade structure or the storage building, they will not bill for the designs on them.

Mr. McDowell stated that he is in favor of the smaller, above-ground, system. Mr. Deubel stated that he is in favor of the larger system. Mr. Chaney said he is also in favor of the larger system. Mr. Yarbrough stated that he is in favor of the smaller system, if anything. Mr. Chaney suggested that the Board budget for the full blown system, and that the Board enter into an agreement with EDI that if the cistern is not used, the design fees will be kicked out. Mr. Beierle stated that not building the cistern will not hold up the project, but not having it will be a big loss in the project. Mr. Chaney and Mr. Deubel wanted to pursue the larger, 8000-gallon cistern while Mr. Yarbrough and Mr. McDowell wished to pursue the smaller, above-ground tank, taking water only off the roof. The Board members agreed that since they were split two to two on the size of the cistern, that it would be deferred to Mr. Conkling for resolution. Mr. Stoliker was instructed to contact Mr. Conkling, get the answer and pursue the cistern design for inclusion in the building design.

Mr. Stoliker stated that the site wall was always carried in SSCAFCA's O & M, and that he asked EDI to include it in the bid because he has not been able to prepare the RFB for the wall separately. The other inclusion was additional construction and administration. That comes to \$7,824.00, and is also included in the budget. This amount is for Ms. Callori and the construction expert to be on site at least once, if not twice a week, to make sure everything is going well. Mr. Baird stated that the total budget amount is \$1,065,327.00, which includes a 5% contingency and gross receipt tax.

BUDGET RESOLUTIONS.

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1. Action/Approval of the Budget Resolution Number 2001-7 for Fiscal Year Ending 06/30/02.

Mr. Stoliker stated that beginning cash on the budget is \$1.3 million. There is still \$610,000 in reserve. Construction is set at \$2.7 million and carries all the projects that have been discussed, including the building. There will still need to be a transfer for the debt service fund because of the timing of when the taxes are received. The bulk of SCAFCA's tax revenue is received in December and there are big payments due on August 1. Inter-fund borrowing is done to make the payment and then the debt service fund is paid back in December. SCAFCA's last bond issue was structured in such a way that in a few years this won't need to be done, but right now it does.

A motion was made by John Chaney to approve Resolution number 2001-7 as amended to include the changes in the building cost to \$1,065,327.00. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes.

2. Action/Approval of two Tax Resolutions Numbers 2001-8, General Operating Fund and 2001-9, Debt Service Fund.

Mr. Baird stated that Resolution 2001-8 is the tax levy for the general operating fund of .761 mils, which is the same that SCAFCA has had for the last two years.

A motion was made by Richard Deubel to approve Resolution number 2001-8 as presented. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes.

Mr. Baird stated that Resolution 2001-9 is the debt service mil levy of .87, which takes into account all of the bonds that SCAFCA has sold, which means that there are no more bonds approved by the electors that SCAFCA has not sold. SCAFCA will now have to have another election before it can sell any more bonds.

A motion was made by Guy McDowell to approve Resolution number 2001-9 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes.

3. Action/Approval of the Line Item Adjustment Resolution Number 2001-10.

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Mr. Baird stated that Resolution 2001-10 is a cleanup resolution, which is for any funds that SSCAFCA has over spent, has resources for, but needs to adjust the line items. There was more money in the CWD fund than had been budgeted because of interest earnings. The transferred line item needs to be increased by \$37,000, which will also require DFA approval.

A motion was made by Richard Deubel to approve Resolution number 2001-10 as presented. It was seconded by Guy McDowell. Roll call vote: John Chaney, yes; Richard Deubel, yes; Guy McDowell, yes; Dub Yarbrough, yes.

DISCUSSION/ACTION ON LOMA LARGA ROAD IN THE VILLAGE OF CORRALES.

The Board members agreed that this matter should be deleted from the Agenda. No discussion occurred.

OTHER BUSINESS.

None.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Guy McDowell to adjourn the meeting. It was carried unanimously. Meeting adjourned at 5:20 p.m.



WM. C. YARBROUGH
Chairman



RICHARD DEUBEL
Secretary

DATE APPROVED: 7AUG01