

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF AUGUST 20, 2002  
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.

**SWEARING IN OF MICHAEL L. CLINE BY JUDGE KENNETH BROWN.**

Newly appointed board member, Michael L. Cline, was sworn in by Judge Kenneth G. Brown.

**PLEDGE OF ALLEGIANCE.**

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

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Michael Cline, Mark Conkling, Richard Deubel, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Bob Foglesong, Perry Baird, and Laura Davis. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

**APPROVAL OF AGENDA.**

Mr. Yarbrough stated that some changes needed to be made in the Agenda. He stated that Item XII needed to be moved to Item IX, and that item 6, under Item XII needed to be moved to the first action under the Executive Director's Report.

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

**PUBLIC FORUM.**

Mr. Yarbrough stated that the Board had received a request from Bo Johnson to discuss the approximately 80 acres in the southeast corner of 528 and Los Montoyas Arroyo.

Mr. Johnson stated that he is an engineer in Albuquerque and he represents a developer who is interested in developing that certain piece of property. They have met with Mr. Stoliker and looked briefly at the watershed drainage management plan and wanted to express some concerns about the lateral erosion set back limits and how it impacts development. Mr. Yarbrough stated that there are several options that can take care of any concerns and that SSCAFCA is willing to work with developers.

Note to the record: Mr. Johnson had not met with staff regarding the LEE policy prior to this meeting. Staff does not know what Mr. Johnson is referring to in his presentation.

**CONSENT AGENDA.**

1. Action/Approval of Minutes of July 16, 2002.

A motion was made by Richard Deubel to approve the minutes of July 16, 2002, as presented. It was seconded by John Chaney and passed unanimously.

2. Action/Approval of Resolution 2002-12, Fiscal Year 2002 Budget Adjustment.

Mr. Stoliker stated that the budget adjustment was requested by SSCAFCA's auditor. Mr. Baird stated that the auditor pointed out the need for the budget adjustment due to interest earned in the old CWD fund that was transferred to SSCAFCA. The transfer of the interest did not have a corresponding budget item.

A motion was made by John Chaney to approve Resolution 2002-12, Fiscal Year 2002 Budget Adjustment as presented. It was seconded by Mark Conkling and passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT**

1. Action/Approval of the following NPDES Task Orders:

- a. Parsons: \$60,485.00 S/plus NMGR
- b. ASCG: \$23,500.00 S/plus NMGR
- c. Wilson & Co.: \$30,000.00 S/plus NMGR
- d. T.O. #RR 03OP03 OM for \$6,989.64 from Parsons to perform Laboratory Analysis, and report Coliform Levels in Roskos Field Wetland.

A motion was made by John Chaney to table this item until after the bond election. It was seconded by Richard Deubel and passed unanimously.

Mr. Yarbrough stated that he would like to have a special meeting to discuss these matters. Mr. Stoliker stated that SSCAFCA is required, by the resolution for the bond election, to have a meeting on September 3, 2002 to certify the election and that this matter could be placed on that Agenda, if the Board wished. General direction from the Board was to do so.

2. Action/Acceptance of Black Arroyo Watershed Management Plan.

Mr. Clint Dodge stated that the Black Arroyo Watershed is in the lower central portion of the jurisdiction of SSCAFCA. It is about a 10 square mile drainage basin that drains into the Black Dam just south of the County line. It is bisected by Southern Boulevard and Unser Boulevard. The northern extent is Northern Boulevard and the eastern extent is Golf Course Road. He wants to talk about four elements: 1) why is a watershed management plan needed; 2) what is included in this particular plan; 3) what are they recommending; and 4) how will it be implemented.

He stated that the way they tried to lay out the need for a watershed management plan was to define a framework to identify how the flood control system could evolve over time and establish project priorities where they could focus attention on the next item or identify where the budget should be allocated. This is a planning document and this is not a commitment for funding or obligations. Unstable arroyos and channels and erosion and sediment control is a big problem within the jurisdiction. They are trying to address those in this report. For fully developed conditions within the Black Watershed, the Black Dam is slightly undersized and detention needs to be increased somewhere within the system. The drainage framework would identify boundaries and hydrology and would establish how future development can occur and what the flows and volumes would be and where things could be located as a guide. To do the whole project, it could take several decades to actually implement, provided that funding is available. The major focus is to provide 100 year flood protection for the public. Detention and stable conveyance are the two primary ways to provide that flood protection. Sediment control, multi-use potential, recreational use, GIS mapping, etc. are built into the plan as secondary features.

Mr. Dodge stated that they evaluated two alternates. In May, the Board approved their recommendation to use Alternate B, which consists of small dams located up in the watershed. This alternate was also approved by Rio Rancho and by AMAFCA. Detention ponds are a component of the project and include ten medium sized ponds. The detention ponds are intended to do multiple duty by meeting the downstream volume constraint, to provide quality control for storm water, to provide for recreational usage and to reduce the size of the downstream conveyance. The idea for the conveyance channels and arroyos is to eventually have stable channels that do not continue to erode. As the area builds out, they will need to stabilize the channels to prevent erosion. They recommend naturalistic channels in the cases where the situation allows it. They also are proposing an arroyo set back limit for safety, which is a lateral erosion envelope system to account for the fact that the arroyos do migrate over time. This is an area of increased risk that has been identified by the lateral erosion envelope.

Mr. Dodge stated that one of the elements of the Black Watershed Plan is the recommendation to review and update policies, standards and procedures that they found were either out of date or not in conformance with what was being recommended in the plan. One of those is the arroyo risk management, which is the lateral erosion envelope. Another is to develop standards for what naturalistic treatment is and how to do that. The last is to work with Rio Rancho and AMAFCA to establish who is responsible for what, as the water and sediment leave SSCAFCA's jurisdiction and enters AMAFCA's.

He stated that they tried to establish priorities for major facilities. Low priority was future development driven; medium was existing deficiencies with a low risk; and high were existing deficiencies with a significant risk. They identified several high priorities and separated out eight of those that they thought were the top priorities. These should be taken care of within a short period of time. The first one that needs to be dealt with is the Lisbon Channel, north of Southern. It is a degraded channel where structures that are in there now have failed and are still failing. There is very narrow right-of-way with fences and other buildings up against the property line. The next three priorities are dam right-of-way. The idea is that all of the locations for the Lisbon Dam, the Sunset Dam, and the Tributary A Dam are in locations where housing is being built around there and if SSCAFCA waits too long, the right-of-way will be much more expensive or unobtainable. The next priorities are to build two of the dams to protect the developed area south of Tulip Road and then west branch right-of-way. Lastly, the upper part of the Lisbon system should be done.

The summary of the implementation consideration was policy, reduction of the arroyo risk, but also keeping in mind that it is a large scope and will take several decades and that it is a planning tool. The eight top priorities will take approximately \$9.5 million. The remaining high priority items will cost approximately \$8 million. The bond funds for the 2003-2007 bond that is being voted on later this month allocates approximately half of the bond amount of \$2.4 million. They recommend as actions is acceptance of the plan; to review the policies and; if it is accepted, the first one to review is the arroyo protection policy because it is a change of SSCAFCA's existing drainage policy; implement as funding becomes available; pursue supplemental funding to speed up some of the more critical projects; review the priorities annually; and update the entire plan every 5 to 10 years. He stated that this is a guidance document and establishes a framework.

Mr. Conkling stated that this is an elaborate and extremely well done study. He stated that this report has been designed around the worst possible scenario. It is entirely conceivable that a homeowner would not build a pond on their lot, but knowing the permit process, if you go in for a building permit, you not only have to say you will build one, but an inspection is done to ensure you build a pond. His understanding is that the lateral erosion line is designed both with the assumption of full development and with the assumption that no one would build a pond. If you follow this thinking down to the property owner's concern, there is a possibility that SSCAFCA will blight or otherwise change the value of someone's lot by drawing the erosion line on their property which would affect their ability to get a mortgage. The issues around this drainage policy concern him enough that he would like to work on those for a while longer.

Mr. Dodge stated that the recommendation for naturalistic treatment was for conveyance purposes. The idea was to stabilize naturalistic arroyos with control structures, bank protection, etc. but in a manner that maintains the appearance of a natural channel rather than a concrete lined channel. The Lateral Erosion Envelope policy was the most important policy to be adjusted and is a significant relaxation of the existing SSCAFCA policy. The problem is that the plan identifies the facilities required to protect the public but, SSCAFCA does not have the money to build them all now. This leads to prioritizing the projects and insuring an implementation plan is in place to protect the public.

Mr. Conkling stated that when you write policies based on things that are not true, the policies wind up getting far a field. The truth is that some dams will be built

and the arroyos will be upgraded, but there won't be the development that has been presumed. He hesitates in knowing where to draw the LEE lines to begin with. The solution is fine. Mr. Dodge stated that within this particular watershed, over 50% of it is already developed. The portion north of Tulip and a portion in Unit 10 are rapidly developing. His guess is that those will be developed within a short period of time. The LEE is a method based on scientific evidence and they applied that as best they could to map it out for informational purposes to define the areas of risks. Improvements that are built will change the LEE.

A motion was made by Mark Conkling that the Board extend acceptance of the report until the next regular meeting. There was no second.

A motion was then made by Mark Conkling that the Board accepts the report provided that the LEE policy not be accepted at this time and that this matter be deferred until the next meeting. It was seconded by John Chaney.

Mr. Dodge stated that the LEE policy is not implemented in this plan. The plan just shows what the area of increased risk is and to discuss a way to manage that risk given the fact that everything is already subdivided. Mr. Deubel stated that his thought was that it had been recommended that the plan be implemented, but that the policy itself was not adopted with the adoption of this plan. Mr. Metzgar stated that the acceptance of this plan would not implement the policy of the LEE. His discussions with the engineers relating to how to implement to LEE policy are not complete. He suggests not postponing the LEE policy until the next meeting, but rather bring it back to the Board when it is more ready for discussion.

Mr. Conkling stated that so long as acceptance of the report has no bearing on acceptance of the LEE policy, he will move acceptance of the plan. Mr. Conkling withdrew his previous motion.

A motion was made by Mark Conkling to accept the plan as presented. It was seconded by John Chaney and passed unanimously.

3. Action/Acceptance of Montoyas Arroyo Watershed Management Plan.

Mr. Howard Stone stated that the Montoyas Arroyo Watershed is about 60 square miles in size. It is the second largest watershed in the metropolitan area. It contains some major developments, i.e., Northern Meadows, Rio Rancho Wastewater Treatment Plant #2, North Hills, and the Rio Rancho High School. One

of the primary features of the watershed was the construction of the Harvey Jones Channel. This channel directs the flows through the Village of Corrales. There has also been a constructed channel through Northern Meadows, which is a combination of rock outcrops located along the side banks to contain the channel, but not to define the channel in the terms that there is no hard line bottom to it. It has grade control structures to control the bottom. The second phase of the Mariposa Development stretches into the Montoyas and will occur in 15 to 20 years.

The existing flows for the 100 year storm are about 5,800 cfs at the entrance to the Harvey Jones Channel. The future developed flows are estimated to be around 10,200 cfs and is based in the existing platting which was approved by the Board in April 2001. The capacity of the Harvey Jones channel itself is 8,000 cfs, with a constraint at the Corrales Bridge of 5,000 cfs. Existing platting in the area is approximately 15,000 homes. The plan looks at the constraints and proposes facilities to address those constraints in the future. The proposed facilities are two-fold; one is reasonable facilities to address the constraints at the Harvey Jones Channel, which could be comprised of regional dams and the potential upsizing of the Corrales Road Bridge; the second is arroyo improvements. There are places where the channel is fairly confined or in such an upset condition that channelization would be required and you would not have the liberty to do a naturalistic arroyo. These areas are mainly near the bottom of the system. For instance, they are recommending channelization from Dam 4 to the Channel.

Mr. Stone stated that the total cost for the facilities would be about \$37 million. It represents what may be needed over time as development occurs, which may be anywhere from 50 to 100 years. The initial cost of \$37 million identified represents the regional facilities that are part of the prioritization plan that are currently suggested in the plan, which represent Dam #4, Dam #14 and Dam #19. There are costs in the report that include the cost for the bridge. There are other costs in the plan that show the costs for the crossing of Corrales Road and they also show future dams that may be considered in future years. Further study is warranted to get a more exact cost and to identify the effects on the properties around Corrales Road itself. They recommend with this plan to do a more detailed cost of raising the bridge and the implication on the property surrounding it. The cost in the plan is about \$5 million for the raising of the bridge.

Mr. Stone stated that the priority plan put in the report as their number one recommendation of acquiring right of way for Dam #4. Dam #4 is lower down in the system and is needed to control the flows. Number two priority is to study replacement of the Corrales Bridge; next is to construct Dam #4; once that is completed, the Board should consider putting channel improvements down from

Dam #4 to the Harvey Jones Channel entrance. Beyond that, quite a few years out, is to potentially look at right of way for Dams #14 and #19, followed by their construction.

Mr. Stone stated that when the ponds were located in the plan, they did enough conceptual looking at it to see if it would fit and what footprint it would take. However, that does need to be refined to determine the final footprint that would be required. He stated that the plan also has recommendations for future policies, like the LEE and to update the plan every 5 to 10 years. Also, they suggest that the Board adopt guidelines for storm flows entering the arroyos. They have found that when you put storm drain lines into an existing arroyo that it can cause major upset. Mr. Stone also suggests that the Board adopt policies for playas; there happen to be three playas in the watershed and how to consider those playas in the future is something that needs to be considered. He stated also that the arroyos should be naturalistic.

Mr. Stoliker stated that the adoption of the LEE is the same as Mr. Dodge's presentation, in that this is only a plan and not an adoption of the LEE policy. Ms. Claudia Smith, planning and zoning administrator for the Village of Corrales, stated that she was here to reiterate Corrales' position that it prefers that option plan 1 is the preferred option and that raising the Corrales Bridge should not be considered as an option because of the adverse effects to the immediate property as well as the street scape.

A motion was made by Dub Yarbrough to accept the plan as presented, with the understanding that the proposals within the plan can be revisited. It was seconded by Mark Conkling and passed unanimously.

#### 4. Action/Acceptance of Mission/Vision Statements.

Mr. Stoliker stated that the Statements in the Board's packets have been chosen by staff and he recommends acceptance. The Vision Statement reads, "Flood control today – for a safe tomorrow" and the Mission Statement reads, "Our mission is to:

Protect citizens and property by implementing proven flood control solutions that:

- manage our watersheds prudently for future generations;
- conservatively use revenues;
- enhance the quality of life;
- create the most appealing multi-use facilities;



- set at example of quality, integrity and leadership;
- educate, train and regulate the public concerning flood hazards;
- demonstrate the professionalism of staff and consultants."

Mr. Deubel stated that he would like to take the word "train" out of the statement. Mr. Metzgar stated that he would also take the word "regulate" out of the statement. Mr. Chaney stated that he would like to leave out "conservatively use revenues." He stated that SSCAFCA is already conservative with its resources and it raises the issue of possibly wasting money. Mr. Metzgar suggested the use of the word "prudently." Mr. Chaney stated that he would like the wording to read "administer public funds prudently." Mr. Metzgar stated that the second to last statement should read, "Set an example of quality, integrity, leadership and professionalism" and to strike the last bullet.

A motion was made by Richard Deubel to accept the Mission and Vision statements as changed and presented. It was seconded by Mark Conkling and passed unanimously.

Mr. Metzgar stated that because this is a major item, that these items should be approved by resolution as opposed to motion. A resolution is done to emphasize something that is ongoing. The Board stated that staff should bring the resolution before the Board for approval at its next meeting.

5. Update on Bond Election.

Mr. Stoliker stated that he has gone to many different meetings to present information on the bond election. Just recently, the Rio Rancho Chamber of Commerce has indicated its support for the bond election. The bond election is next Tuesday and everybody should ask people to vote. He stated that there is always a gap in information with regard to what SSCAFCA does. SSCAFCA sent a letter out to every elected official and every neighborhood association. They have heard back from those entities in that they are happy they got the information personally. There is a lot of concern about taxes going up, especially among the older population.

6. Action/Discussion of July 25, 2002 Correspondence from K. Curtis, and August 5, 2002 letter to Edward L. Paulsgrove from R. Grayson referencing the proposed remediation of the Unnamed Arroyo East of NM 528, Unit 20 Industrial Park, Parcel "A," Rio Rancho, New Mexico.

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Mr. Stoliker stated that staff has received correspondence regarding a violation of improperly filling in of an arroyo to the East of 528, South of 550. The Joiners placed material, including asphalt, in an arroyo without a 404 permit. The Joiners would like SSCAFCA to get involved by working with them to get the 404 permit. It is his understanding that the Joiners would do the study; they would do the design, and put in a pipeline. By doing this, the violation would be taken care of. With this concept, SSCAFCA would own the pipe, but would not have to put in any money.

Mr. Stoliker stated that he is asking direction from the Board on whether SSCAFCA should get involved in this. It is a 404 violation but he believes that if SSCAFCA can possibly assist in solving this problem, it is to everybody's benefit. It is being proposed to have SSCAFCA own the pipe and the land above it that is needed for maintenance. Mr. Stoliker will pursue having the City of Rio Rancho actually own the property and SSCAFCA taking an easement on it. He stated that there will be staff time involved in reviewing it and some work on SSCAFCA's part to communicate with the Corps and others.

A motion was made by Mark Conkling to cooperate on this matter and see if the problem can be solved. The motion was seconded by Dub Yarbrough.

Mr. Deubel stated that he is concerned about any sort of liability on SSCAFCA's part and why SSCAFCA needs to be involved. Mr. Stoliker stated that there has to be an eventual owner of the facility, otherwise the Corps will not let Mr. Joiner build it. Mr. Joiner is looking at getting out of a 404 permit violation, and that requires some local action and support. As far as a liability issue, Mr. Joiner assumes the initial liability for the design and construction when he goes in there as part of his development and puts in the facility now. SSCAFCA reviews this information and insures that it meets our minimum standards prior to taking it over, similar to a developer. Eventually, SSCAFCA would be putting this facility in within 10 to 20 years. Also, this takes care of an environmental issue which reduces the public's liability and SSCAFCA gets a facility that it needs to have done anyway. There will be some operational and maintenance costs to it over the long run, but they will be minimum.

Mr. Yarbrough stated that by putting in the pipeline, the fill will stay in the arroyo and will correct any violations. He stated that SSCAFCA will eventually need to do something to that arroyo because it goes directly down across Sheriff's Posse Road and to the river through a subdivision.

Mr. Russell Grayson, of Huitt-Zollars, Inc. stated that they are planning on installing a pipeline that will convey the 100 year flow, which will not require the entire natural arroyo anymore. They will also be taking care of some flood plain issues. There is an existing FEMA flood plain that goes through the area and the flood plain will be minimized. The facility is better than what is there right now, which is an existing arroyo that will meander over time. There is a significant reduction in flows upstream from Enchanted Hills which allows them to put it into a pipeline, which is the best conveyance right now. It would be designed to SSCAFCA's standards and it will be taken through the SSCAFCA review process and City of Rio Rancho review process, just like any public improvement project. It will be a buried pipeline along the course of the arroyo. It would discharge into the arroyo downstream where the other junction comes in.

Mr. Yarbrough stated that this is a project that will need to be done eventually anyway. Mr. Grayson stated that there are three ponds that will be constructed on the upstream side of 528. Two have already been constructed as part of the first phase of the commercial area, a portion of the third pond has been constructed and will be continued to the north all the way up to 550 and there will be a spillway that discharges into some culverts that go underneath 528. Mr. Yarbrough stated that the quality of the water will need to be addressed in the future. It provides a perfect collection point to treat the water after the pipeline.

There was a call for the question and the motion passed unanimously.

### **CHAIRMAN'S REPORT.**

1. **Action/Approval for Soap Box Derby Equipment and Supplies to be Stored or Parked Temporarily on Authority Property at Tree Farm Pond.**

Mr. Yarbrough stated that he has been approached by the Soap Box Derby Association in Rio Rancho regarding storage problems they are having. Someone has donated a 40' foot trailer to store their equipment. They asked Mr. Yarbrough if SSCAFCA would allow them to wheel the trailer onto some of SSCAFCA's property immediately south of the cemetery. Mr. Stoliker stated that one of those lots is 1.3 acres. Mr. Yarbrough stated that the Soap Box Derby would like to park the trailer on SSCAFCA property in between races. He told them that it would need to be a Board action and also brings up the anti-donation clause. If the Board is agreeable

to doing something like this, research would need to be done to make sure SSCAFCA does not violate the anti-donation clause.

Mr. Metzgar stated that SSCAFCA would possibly have to assign a fair market value on the property and then charge that rent in order to avoid the anti-donation clause. Mr. Chaney stated that the Board should proceed with getting a legal opinion on this as soon as possible in order to avoid dragging the matter out. Mr. Deubel stated that he doesn't mind doing something like this if it is within the law. If a contract is drawn up, he would recommend it be done on a yearly basis. His only concern is that it might be open to vandalism. He would like to keep the option open that if SSCAFCA doesn't want it there anymore, it would have the option to not renew the contract. Mr. Yarbrough stated that when he had the conversation, he told the person that if this was allowed, SSCAFCA would need to have the option to have them move out within 30 days.

A motion was made by Michael Cline to approve this matter subject to legal review. It was seconded by Dub Yarbrough and passed unanimously.

### **BOARD OF DIRECTORS' COMMENTS.**

Mr. Deubel stated that he had a question with regard to the Executive Directors' report, number 6.d., which became number 1.d. It is a new entry under number 6 and has not been approved. Mr. Stoliker stated that has to do with testing at Roskos Field. Mr. Deubel stated that perhaps this item should be broken out into a separate item because it is unrelated to the NPDES.

- 1.d. T.O. #RR 03 O P 03 OM, for \$6,989.64, from Parsons, to perform Laboratory Analysis, and report Coliform Levels in Roskos Field Wetland.

Mr. Deubel stated that he would like to get this matter done too, but he would like to do it in house. He does not agree with spending the money to have this done and then pay another unknown amount to the laboratory for the analysis. He thinks the staff can undertake this matter and take the sample. The lab can then be paid which would not be near as much. He stated that he would be more comfortable with the analysis if it were done by the State rather than a private lab.

A motion was made by Mark Conkling to break out the Roskos Field Testing from the NPDES category and instruct the staff to pursue it. It was seconded by Michael Cline and passed unanimously.

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were made by Mr. Metzgar. Mr. Stoliker stated that the County has not taken out any dirt yet.

6. A Special Board Meeting is scheduled for September 3, 2002.

Mr. Stoliker stated that a special board meeting is scheduled for September 3, 2002 at 1:00 p.m. in SSCAFCA' s office for the certification of the bond election results.

**ADJOURNMENT.**

A motion was made by Mark Conkling and seconded by Michael Cline to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:45 p.m.

*Richard Deubel*  
RICHARD DEUBEL  
Secretary

WM. C. YARBROUGH  
Chairman

*Wm. C. Yarbrough*

DATE APPROVED:

17SEP02