

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF AUGUST 20, 2004  
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 9:02 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Richard Deubel, Donald Rudy and Dub Yarbrough. Mark Conkling was not present. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, staff and members of the public were also present.

**PLEDGE OF ALLEGIANCE.**

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

**APPROVAL OF AGENDA.**

A motion was made by John Chaney to approve the Final Agenda. It was seconded by Donald Rudy and passed unanimously.

**ANNOUNCEMENTS.**

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

**EXECUTIVE DIRECTORS REPORT.**

1. Action/Acceptance of the Bid to Sell Lot 1-A, Block 13, Dam 4, Corrales Heights, Rio Rancho, New Mexico in the Amount of \$56,000.02 and to Transmit the Bid Form to the State Board of Finance for Approval.

Mr. Stoliker stated that six bids were received on Lot 1-A. The appraisal was for \$38,500.00 and the highest bid was \$56,000.02. Staff needs Board approval to sell the property and to transmit the packet up to DFA for approval.

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

2. Action/Acceptance of the Easement & Maintenance Agreement for Northern Meadows.

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Mr. Stoliker stated that in 1998 the SSCAFCA Board agreed to accept O & M of the Montoyas Arroyo which is in Northern Meadows. The enclosed agreement addresses and assigns responsibilities for the O & M between SSCAFCA and Rio Rancho to state that SSCAFCA will maintain all Montoyas Arroyo and Ponte de Leon arroyo storm water drainage improvements and storm water quality facilities within the easement property. SSCAFCA will maintain all of the detention facilities constructed adjacent to it and all five strand barbless wire fence and pipe gates. The City will maintain everything else. Mr. Metzgar stated that this agreement has not gone through the governing body of Rio Rancho, but rather through all responsible staff and the City's attorney office. Upon approval by SSCAFCA, this agreement will go to the City's governing body for approval.

A motion was made by Richard Deubel to approve the Easement & Maintenance Agreement for Northern Meadows, as presented. It was seconded by Donald Rudy and passed unanimously.

3. Action/Acceptance of the Maintenance Agreement for Urban Pond 3-4, Over and Across Parcels C-1 and C-6 of Trinity Estates.

Mr. Stoliker stated that this agreement identifies certain parcels within and adjacent to Urban Pond 4 for SSCAFCA to perform O & M. Mr. Metzgar stated that there was litigation involved with this property when it was being expanded, but that it has since been resolved.

A motion was made by Richard Deubel to approve the Maintenance Agreement for Urban Pond 3-4 as presented. It was seconded by Donald Rudy and passed unanimously.

4. Action/Acceptance of the Maintenance Agreement for Roskos Field/Pond (Track A-3).

Mr. Stoliker stated that this agreement includes maintaining the wetlands facility, with all other maintenance for Roskos Field/Pond Project. Mr. Stoliker stated that the wetland has a new crop of species and that frogs have moved in. Mosquito fish are everywhere in the wetlands. The goldfish have a tendency to avoid removal from the pond. Staff is trying to remove the goldfish so that the wetland has only native species.

A motion was made by John Chaney to approve the Roskos Field/Pond maintenance agreement as presented. It was seconded by Richard Deubel and passed unanimously.

5. Action/Acceptance of the Maintenance Agreement for Lots 1A & 2A, Block 13, Dam 4, Corrales Heights; Easement Plat for Villa Verde Park; Tracts 1 & 2 Villa Verde Park.

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Mr. Stoliker stated that this agreement is for the Dam 4 to 1 Project. Staff is trying to make sure that SSCAFCA maintains its facilities and the City maintains its facilities, with one exception; that is the high hazard dam, which is Dam 1. SSCAFCA owns the Dam 1 facility with an easement for the bike path to the City.

A motion was made by Richard Deubel to approve the Maintenance Agreement for Lots 1A & 2A as presented. It was seconded by Donald Rudy and passed unanimously.

Mark Conkling arrived at 9:20 a.m.

6. Action/Discussion of Proposed Legislation to Change SSCAFCA Boundaries.

Mr. Stoliker stated that as staff went through its review of the precincts for the bond election, they found that SSCAFCA 's boundaries start at the Rio Grande River, go up the Bernalillo/Sandoval County line 14.5 miles to the escarpment; then it goes up the escarpment along the top up to the Zia Pueblo; it goes across the Zia Pueblo, but has spots where it appears that it doesn 't meet up quite right. With the new mapping that is being done, they have found a difference in SSCAFCA boundaries in the primitive area of Mariposa and the Hawk Site. The primitive area of Mariposa may not be in SSCAFCA 's jurisdiction. There will be a waste water treatment plant in that area, but homes are not being planned at this point. Everything that will be in the development community will flow toward the Rio Grande. The Hawk Site flows in an eastern direction and there is about two square miles of the Hawk Site that is not included in SSCAFCA 's boundaries. SSCAFCA has signed the bulk plat and has worked with the developers in that area to work on accepting some drainage. If SSCAFCA wanted to change its boundaries to include these areas, it would have to look to the Legislature.

Mr. Chaney stated that SSCAFCA 's boundaries should reflect its watershed only and not political boundaries. Mr. Yarbrough stated that he has always been under the impression that SSCAFCA 's western boundary is where the escarpment starts and goes into the Rio Puerco. Mr. Stoliker stated that this is correct, but where it really is a problem is the Hawk Site and parts of Mariposa. He stated that SSCAFCA has always interpreted it that the boundaries go up to the Indian Pueblo, but the County is interpreting it by the actual metes and bounds in the statute. He recommended to the Board that SSCAFCA go to the Legislature and change its boundaries.

Mr. Chaney stated that there was no discussion by the original board about these boundaries. He stated that Richard Farmer probably set forth these boundaries. Mr. Metzgar stated that what they understood was that the boundaries went to the Indian reservations. When they went to the Legislature for approval, they testified that the boundaries were going to the Indian reservations. Mr. Stoliker and Mr. Metzgar both agreed that this is probably an error since there are much better maps now. Mr. Metzgar stated that the entity which would have jurisdiction in these areas if SSCAFCA didn 't is the

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County and he does not believe that the County wants these pieces for flood control purposes. The County will have to be involved in any request to change the boundaries. Mr. Metzgar stated that SSCAFCA's authority in these areas is still fine. The statute states that SSCAFCA can go outside of its jurisdictional boundaries in order to protect the areas within its boundaries.

Mr. Conkling stated that one of the implications of this could be that new lots would be assessed that would come into SSCAFCA's jurisdiction, along with new voting opportunities if the straight line matched the escarpment. Mr. Yarbrough stated that SSCAFCA may have some problems with the pueblos, especially Santa Ana, if SSCAFCA discharges onto their property. He stated that there is a culvert on 550 that comes off of Santa Ana and dumps into Enchanted Hills. That culvert is not adequate for the flows that come across there. Mr. Stoliker stated that when SSCAFCA approved the Enchanted Hills Subdivision, talks were held with the State Highway Department. They have the culverts sized for fully developed conditions that exist today. The structure is sized for fully developed condition upstream for the 100 year storm. SSCAFCA's channel is bigger than their culverts. The Highway Department said that if there is anything that goes on top of that, they will take that flow right along 550 in larger ditches.

Mr. Metzgar stated that this situation needs correcting. The statute says two different things. It is usually the interpretation by law to go by the metes and bounds description rather than a general description. Mr. Chaney stated that the legislative intent was clear and that this should not be an issue with the Legislature at all. Mr. Deubel stated that he is concerned about whether SSCAFCA should be involved in containing flows into the Jemez watershed. It seems that the northern boundary should be the divide between the Jemez watershed and the Rio Grande watershed. Mr. Stoliker stated that right now there is a little clip that SSCAFCA has that drains into a Pueblo. Everything on the western boundary drains into SSCAFCA. The positive side for taking the additional land is that it's going to be urbanized and SSCAFCA will get the extra assessments out of it. Right now, there are only two owners to deal with, Mariposa and AMREP.

Mr. Stoliker was asked to provide a discussion document for the next Board meeting regarding the economic, political and geographic ramifications of this issue.

**7. Action/Acceptance of the Bond Brochure.**

Mr. Stoliker stated that bond brochures had been done by Laura and that they looked very nice. The Board had some changes that they wanted made to the bond brochure and these changes were discussed. There were also signs that were to be made and this issue was discussed. A discussion was held on how the public might perceive the signs. Mr. Conkling stated that he would like to see the signs change for the positive for SSCAFCA rather than forbidding certain behavior. Mr. Conkling stated that he also would like to see a consistent message on the signs.

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8. Action/Acceptance of Appraisal Update for Unit 17, Block 168, Lots 6A, 7 & 8 in Rio Rancho with Declaration of Excess Property and Approval to Sell.

Mr. Stoliker stated that SSCAFCA has three lots that are east of 528 and south of Corrales Road in Lomas Negras, Unit 17. The appraised values for the three lots are \$35,000.00, \$37,000.00, and \$36,000.00 based upon a changing square footage and the same square foot price of \$1.28 per square foot. Staff is asking for reaffirmation of the declaration of excess property and the ability to send the appraisal to DFA for approval for sale.

A motion was made by John Chaney to reaffirm the property as excess property. It was seconded by Mark Conkling and passed unanimously.

A motion was made by John Chaney to approve the appraisal update for Unit 17 for sale as presented. It was seconded by Mark Conkling and passed unanimously.

9. Action/Acceptance to declare a portion of Parcel 3-B Excess with Approval to Sell.

Mr. Conkling stated that the owner of Vista Verde is in favor of appraising this property as a funeral home, which is different than residential, because it would be appraised lower and cost less if it was appraised as funeral lots. The owner is going to sell half of the property to a developer who will build residences. The Executive Committee has recommended that the owner pay for the survey and the appraisal and the replat. Mr. Chaney stated that there should be some comment in the appraisal regarding its highest and best use. Mr. Chaney stated that staff needs to make sure that the pipeline over that property is properly described and surveyed. Mr. Conkling stated that the cemetery land would not create greater than historic flows, but the housing would, so there may be an impact on SSCAFCA's drainage depending on the square footage of the housing on the lots. Mr. Stoliker stated that when ASCG did that project for SSCAFCA, it was considered as fully developed.

A motion was made by Mark Conkling to declare Parcel 3-B as excess property for purposes of possible sale. It was seconded by John Chaney and passed unanimously.

10. Action/Acceptance of ASCG Task Order in the Amount of \$6,500.00 for Black Arroyo Watershed Dam Footprint Design.

Mr. Stoliker stated that this task order is with ASCG in the amount of \$6,500.00 to start looking at the different dam sites and water quality sites within the Black Watershed. There are five total sites that ASCG will be looking at. Because this area is booming it is best if SSCAFCA acquire the dam sites now, before development occurs upstream.

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A motion was made by Donald Rudy to approve the ASCG task order for \$6,500.00 for Black Arroyo Watershed Dam footprint design as presented. It was seconded by John Chaney and passed unanimously.

11. Action/Acceptance of Huitt-Zollars, Inc. Task Order in the Amount of \$9,500.00 for SSCAFCA Advance Drainage Right-of-Way Acquisition Evaluation.

Mr. Stoliker stated that this task order is with Huitt-Zollars in the amount of \$9,500.00 to start looking at advance drainage right-of-way acquisition. This area is booming and it will be cheaper for SSCAFCA to acquire the right-of-way needed now. Huitt-Zollars has this task order because they work with AMREP and they already have the information with respect to platting in this area. Huitt-Zollars will identify all of the right-of-way that SSCAFCA needs for its different watersheds and includes the Venada, the Montoyas, the Black and the Calabacillas. The Barranca and the unnamed arroyo and some other smaller arroyos are not named on this task order. The idea is to get the property earmarked for purchase by SSCAFCA at a later date. Mr. Stoliker stated that the City of Rio Rancho and the County of Sandoval must be part of this.

A motion was made by Donald Rudy to approve the Huitt-Zollars task order for \$9,500.00 for SSCAFCA advance drainage right-of-way acquisition as presented. It was seconded by Mark Conkling and passed unanimously.

**CONSENT AGENDA.**

Action/Acceptance of Minutes of:

a. July 20, 2004 Regular Meeting.

A motion was made by Richard Deubel to approve the minutes of the July 20, 2004 Regular Meeting as presented. It was seconded by Mark Conkling and passed unanimously.

**CHAIRMAN ' S REPORT.**

1. July 27, 2004 Personnel Committee Meeting Minutes.

Mr. Yarbrough stated that this is an outline of some of the changes that the Personnel Committee would like to put into a new Personnel Policy. These will be brought back to the Board when the Committee is finished reviewing the Personnel Policy, but this list is some of the issues that they are considering.

Mr. Deubel stated that the Committee is going through the Personnel Policy item by item, which will take several meetings to complete. Item C on the list was related to giving

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preference to veterans and that is most likely going to be done away with because it doesn't seem appropriate for SSCAFCA. The Committee is going to look at different personnel policies of different entities and compare them to SSCAFCA's definitions. The Committee also decided that it would set up a procedure whereby any open positions would be made available to existing employees before they are advertised.

2. Executive Committee Meeting Minutes for 07/12/04, 07/19/04, 07/26/04, 08/02/04, and 08/16/04.

Mr. Yarbrough stated that there are minutes in the Board's packets of five different meetings of the Executive Committee. Mr. Stoliker stated that the August 16, 2004 minutes summarize all of the Board's concerns and he wished to discuss these concerns in more detail. The Tree Farm Pond lot has already been discussed. The second item is the Tenorio property exchange. The third item is the rejection by DFA of the Tierra de Corrales appraisal. He is going to meet with Mr. Murphy next week. After the Board's last meeting when it approved Mr. Stoliker doing something with respect to the Lomitas Negras dirt sale, Mr. Bartmess was able to get up to half a million cubic yards of dirt from waste management at \$0.35 per cubic yard, which is significantly less than SSCAFCA was considering and they don't have to be involved with the 404 permit or any revegetation. Some of SSCAFCA's dirt needs to be used in order to build up the dam site in the Dulcelina Curtis Channel, so the Committee has indicated that it does not want to pursue the dirt sale.

Mr. Stoliker stated that Mr. Thomas is extremely pleased with the Board and the way the Board received him and listened to him. Mr. Thomas will be a strong ally on the bond election.

Rio Rancho Beautiful is asking the SSCAFCA Board to receive an award from them. Mr. Stoliker would like both Board members who are on the November ballot to receive this award.

Mr. Stoliker stated the next item is the Fulcrum Building. This is the building in Enchanted Hills that was originally used for a warehouse and which had a certain number of parking spaces and drainage ponds within their property. The parking was always overloaded with cars so there seems to be something wrong with the number of parking spaces per square footage inside the building. The developer has requested to remove or encroach into the drainage ponds to expand the parking. SSCAFCA is going to be working with the City to try to look at this issue. Staff has done a preliminary review of the issue and it appears to be a small flow (less than 30 cfs) and will be handled by staff unless the Board desires to see this issue again. No desire was voiced by a Board member.

**3. Action/Discussion of Public Relations Contract.**

Mr. Yarbrough stated that he, Mr. Stoliker and John Chaney met with Eric Maddy to discuss how he could help SSCAFCA with its public relations and the upcoming bond election. Mr. Maddy has proposed that he would bill SSCAFCA at \$45.00 per hour, not to exceed \$3,000.00 for his services as a public relations consultant. Mr. Maddy has checked with his employer, the Observer, and they have no problem with this contract.

Mr. Maddy stated that these are some basic ideas that he has given the Executive Committee just to show that he was not coming in completely blind and that he has some ideas with regard to SSCAFCA's public relations issues. These are items which the Board can do efficiently. The purpose of this is to make sure that the bond issue passes, but also in general through the signs etc. to increase SSCAFCA's visibility in the community. Mr. Maddy stated that another idea he had was for give-away items, everything from pencils and pens to key chains, tee shirts, refrigerator magnets, etc. Mr. Maddy stated that it should take a minimal effort by calling the City or State Highway Department about putting a sign up at the corner of Southern to show the public where to turn to get to the SSCAFCA office. He stated that the Governor is very active with water reuse issues and has a fund set aside to fund innovative water projects. SSCAFCA can stage a media event by inviting the Governor to come down and tour SSCAFCA's building and its facilities. It will help not only in SSCAFCA's legislative effort but the media will follow along and that will help with visibility. As part of a volunteer project, he is helping out the public access channels and they are trying to set up candidate forums for the upcoming elections. He stated that it is always helpful to have a short informational video when SSCAFCA goes out to talk to the community about its projects. He stated another idea that he borrowed from Sandoval County's DWI program in that they recently sponsored a program within the schools, especially elementary schools, to draw something promoting a message. They selected the best drawings and put it into a calendar, the parents then take those calendars to work to show it off. SSCAFCA could do something like this with regard to drainage safety. He stated that he is willing to meet with the political action committee and assume a leadership role with them.

Mr. Rudy stated that he would like to change the "not to exceed" figure on the contract. He would like to increase that number because he would not like to be stuck to that figure as it gets closer to the election date. Mr. Maddy stated that exceeding that level would be something that would have to be published for bid and it could be a potential litigation problem and further delay the process. Mr. Stoliker stated that he has reviewed this issue with Mr. Baird and it is okay to go above \$3,000.00 as long as the Board makes the determination that Mr. Maddy is a sole source provider, and then the limit is \$20,000.00. Mr. Rudy stated that setting the amount at \$5,000.00 would be much more reasonable. Mr. Stoliker stated that this contract will be considered a "sole source"



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contract. Mr. Metzgar stated that there will be no problem modifying the contract if it exceeds \$5,000.00.

A motion was made by Donald Rudy to approve the public relations contract with Eric Maddy not to exceed \$5,000.00. It was seconded by Richard Deubel and passed unanimously.

4. Review/Action of Bond Election Neighborhood Association Letter.

Mr. Conkling stated that he would like to see the website added to the letterhead. Mr. Stoliker stated that this had been done.

**BOARD OF DIRECTORS COMMENTS.**

None.

**ATTORNEY'S REPORT.**

None.

**PUBLIC FORUM.**

None.

**FOR BOARD INFORMATION:**

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

1. Fencing Eastern Portion of Dulcelina Curtis Channel Started August 11, 2004.
2. State Engineer's Report Dated August 13, 2004.
3. The Records Room has been Reorganized and a Tracking System is Being Implemented.
4. The Awning on the West Side of the Building has been Installed.
5. The Installation of the Main Entrance Hand Rail will be Completed by September 6th, 2004.
6. READS Update for July 2004.

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7. July 30, 2004 Cleaning Contract Renewal With Connie 's Cleaning Service.
8. Technical Services Contract with Communications Diversified.
9. August 3, 2004 Appraisal Price Quotation for the Byron Viron Property.
10. July 23, 2004 Letter to Claudia Smith, PZA Village of Corrales, Requesting Assistance from SSCAFCA.
11. July 30, 2004 Letter to Mario Juarez-Infante of Wilson & Co. Providing Comments on the East Branch Channel-Drainage Design Standards.
12. August 5, 2004 Letter to Robert Schultz, CORR Regarding Rainbow Tributary Property Acquisition.
13. The Following Developments/Construction Plans Were Received and Comments Provided to the Engineer:
  - a) *Enchanted Vista Apartments:* 174 apartments, 17.68 acres, approximately 64.5 cfs discharge. This development is located in Enchanted Hills, on Sprint Boulevard, South of the Encantado Channel. Since this development is less than 50 acres and discharges less than 500 cfs, the Executive Director will accept the drainage report and construction plans after incorporation of staff comments;
  - b) *Culvert Crossings of the Montoyas Arroyo at Serene Meadows and Camino de Los Montoyas Roads:* These crossings are part of the Northern Meadows Drainage Management Plan, Phase 2, which was accepted by the Board on March 16, 2004. After incorporation of any comments by staff, the Executive Director will sign off on the construction plans;
  - c) *Mariposa East - Phase 1, Drainage Ponds and Drop Structures:* These construction plans are for the detention ponds that are proposed for construction along the eastern boundary of the Mariposa development, as presented in the Mariposa Drainage Management Plan accepted by the Board on January 6, 2004. After incorporation of any comments by staff, the Executive Director will sign off on the construction plans;
  - d) *Rancho Oro & Rancho Plata Construction Plans:* These construction plans are for subdivisions within the Cabezon Communities Phase 1 development. The Board accepted the Cabezon Communities Phase 1 drainage concepts on January 27, 2004. After incorporation of comments by staff, the Executive Director will sign-off on the construction plans.

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The following construction plans were signed by the Executive Director: *Yucatan Phases 1 & 2; Astante Phase 1*. These construction plans are for subdivisions within the Cabezon Communities Phase 1 development. The Board accepted the Cabezon Communities Phase 1 drainage concepts on January 27, 2004. The Executive Director signed the construction plans on August 2, 2004.

14. July 23, 2004 Correspondence from County Commissioner Jack Thomas.
15. August 3, 2004 Correspondence from Dyanne Sonier of 'Keep Rio Rancho Beautiful' Honoring SSCAFCA with an Outstanding Volunteerism Award.
16. July 22, 2004 Correspondence to Kim Kemper, Huitt-Zollars, Inc. Regarding Tierra de Corrales Subdivision Final Drainage Study.
17. A Sample of the Variety of SSCAFCA Signs.
18. July 20, 2004 Bond Election Projects List with Costs and Funding.
19. August 12, 2004 Correspondence from Russell Grayson Regarding the Commerce Center Fulcrum Building. Staff is Reviewing a Technical Proposal to Allow Free Discharge up to the Capacity of the Existing Pipe.
20. August 16, 2004 Executive Committee Meeting Minutes.
21. June 16, 2004 Letter of Response from the New Mexico Taxation and Revenue Department, for the Appraisal of two Unimproved Parcels of land in Sandoval County, located within the Village of Corrales. (Two acres next to Targhetti Drain and Tierra de Corrales Subdivision.)
22. The Aztec Museum of Aztec, New Mexico, a non-profit Organization, has asked for our Obsolete Copier. They have provided all necessary information showing their non-profit status and plan to pick it up at the end of the month.

### **OTHER BUSINESS.**

None.

### **ADJOURNMENT.**

A motion was made by John Chaney and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:55 a.m.

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*Wm @ Yarbrough*  
DUB YARBROUGH  
Chairman

RICHARD DEUBEL  
Secretary

DATE APPROVED:

*Minutes for Richard Deubel*  
*9-17-04*

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