

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF SEPTEMBER 17, 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 9:05 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, and Dub Yarbrough. Richard Deubel and Donald Rudy were not present. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, SSCAFCA 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 Mark Conkling to approve the Final Agenda. It was seconded by John Chaney 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/Discussion of Venada Arroyo Right of Way Issue.**

Mr. Stoliker stated that the Venada Arroyo was built by AMREP in 1998. At that point, SSCAFCA got everything it needed fenced and completed. A few months ago, Mr. Carl Longley was in the process of trying to split up his property and discovered what he considered to be a survey error. It ends up that the channel was shifted about 20 feet to the west, which took approximately one extra acre from Mr. Longley. Mr. Longley's property is on the west side of the arroyo, but he has since sold that piece to a developer and there is no longer an issue on that side with him. SSCAFCA also has everything it needs to maintain the facility. On the east side, AMREP owned approximately one acre and in May 2004 it quitclaimed that one acre to SSCAFCA. In April 2000, Mr. Tenorio had also granted a 30 foot wide utility easement on the east side to the Town of Bernalillo, which included the one acre belonging to AMREP. Mr. Stoliker stated that a resolution of

this issue has been requested by Mr. Tenorio in which he would give SSCAFCA a minimum of 10 additional feet on the east and SSCAFCA could give up to 20' to make up the 30 foot easement to the Town. This would be contingent upon insuring that nothing touches the structure so that SSCAFCA could continue to maintain its facility (i.e., Mr. Tenorio may be forced to give more than 10' in some areas). Mr. Tenorio would give the property to SSCAFCA in fee simple.

Mr. Metzgar stated that he recommends that the Board approve this transaction, if Mr. Tenorio grants the 10 foot additional property on the east side of the channel, and that the Board allow SSCAFCA to grant to the Town of Bernalillo a 30 foot utility and access easement.

A motion was made by John Chaney to table this matter until such time as Mr. Tenorio was in attendance. There was no second.

Mr. Yarbrough stated that Mr. Tenorio has agreed orally with Mr. Stoliker about the transaction. He believes that SSCAFCA could move forward with getting the documents and a survey done. Mr. Metzgar stated that he could draw up a document to have Mr. Tenorio sign on the 10 feet, but that it would not have the exact metes and bounds description on it. Mr. Stoliker stated that he could write a letter to Mr. Tenorio asking if he will abide by his oral agreement.

Mr. Kelly Moe, of the Town of Bernalillo, stated that the developer on the west side has submitted a master plan for immediate subdivision of those properties. They may be looking at beginning construction at the beginning of the year. He stated that conceivably this could happen very quickly and the access to the lift station, which is currently in question, is absolutely necessary for those subdivisions to come on line.

It was the consensus of the Board that Mr. Stoliker writes a letter to Mr. Tenorio to see if he will sign an agreement deeding the additional 10 feet to SSCAFCA. If so, Mr. Stoliker will proceed with the survey, etc.

2. Presentation on Cabezon Water Quality at Black Dam.

Mr. Tim McDonough, of Wilson & Company, stated that Mr. Bo Johnson had previously agreed to provide 44 acre feet of water quality as recommended in the Black Arroyo Watershed Management Plan. In Curb's Phase 1 project, they included a water quality pond as part of a park in Tract 17. They have worked with AMAFCA and SSCAFCA to locate the second water quality structure close to the Black Dam where it could serve as a water quality feature for both the East and West branches. AMAFCA has already approved a 25 acre foot water quality structure just upstream of the Black Dam.

Mr. McDonough stated that the spillway structure is a soil cement structure with a series of pipes that will collect the floatables and sediment and discharge from the bottom to the top down a concrete sloped blanket and into the pool of the dam. Part of AMAFCA's request was that it gets a Memorandum of Understanding with SSCAFCA on

the maintenance to show a joint effort on the project, which is moving forward. In the event of a 100 year event, the water will go through the water quality pond and over the spillway into the dam pool.

Mr. Dan Aguirre, of Wilson & Company, stated that they have designed the pond for the first flush, which is 1/4 inch of rainfall over the entire basin. The dam is actually above the spillway and uses the pond as part of the additional capacity required for a 100 year event. With all of the upstream development, this dam also needed additional capacity. In all of the first flush storms, the dam acts as a water quality feature, but in the 100 year event, it includes the additional capacity of the dam as well. The dam is to be built by Cabezon. Mr. Stoliker stated that at this point, they are not asking for any approvals, but merely providing information to the Board. There was general consensus for the Developer to proceed with placing the water quality feature in Black Dam and return with an O & M agreement between AMAFCA and SSCAFCA for approval by the Board.

3. Action/Acceptance of the Cabezon Drainage Management Plan, Phase 2.

Mr. Stoliker stated that the Phase 2 plan of Cabezon is for the remainder of the entire development. Mr. McDonough stated that Phase 2 includes the area north of Westside Boulevard and everything on the east side of the channel. At this point, Mr. Hart Porsch is not required to do anything with regard to water quality on the parcels that he owns. Mr. Stoliker stated that staff has had many discussions with ASCG on the report to make sure that the hydrology is correct. ASCG and SSCAFCA staff are in full agreement with the plan.

Mr. McDonough stated that, to date, they have collected the offsite flows in Western Hills, piped them down to the water quality feature located in the south end of the park tract. They have storm drain piping that feeds into the pond, and they have moved some storm drainage to feed into the pond. In Phase 2, they will take the outlet of the pond down a storm drain pipe, through certain right-of-way, and into a concrete lined channel. The entire east branch of the arroyo up to the northern boundary of Cabezon will be lined all the way down underneath the proposed Westside Boulevard and into the water quality structure. He stated that they are picking up the flows from Golf Course Road to bring them through the subdivisions to get that flow into the channel. The lining will be concrete or shockcrete with steel reinforcing meeting SSCAFCA 's standards. They are still looking at the economics of both.

Mr. McDonough stated that along the arroyo there is a 140 foot wide right-of-way and the channel top width is 40 feet. This means that there is 100 feet more or less of open space along the arroyo. The arroyo meanders within that right-of-way. Site Southwest is working up a landscaping plan to landscape the open space to create some pedestrian friendly areas for resting and enjoying the "linear park." There is an extensive trail system throughout Cabezon Development. The roadways have an extra

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large right-of-way and they have about 40 feet of trail on the north or east side of all of the roadways. There is also a trail system within all of the subdivisions to be able to get to all areas. The housing density is medium-low density for the bulk of the subdivisions. There are some mixed use sites as well.

Bo Johnson, of Curb, Inc., stated that the density is turning out to be lower than anticipated. They are looking at the first foundation to be poured on Monday. The builders include D.R. Horton, Pulte, Centex and Artistic Homes. The lift station will be issued shortly. There is also a plan to put a grocery store in the development.

A motion was made by John Chaney to accept the Cabezon Drainage Management Plan, Phase 2, as presented and for David Stoliker to have the authority to accept the different units based on the plan as they come in. It was seconded by Mark Conkling and passed unanimously.

4. Presentation of the Rio Rancho Parks Master Plan will be placed on the October meeting with Carrie Moritomo. The presentation for adoption of the plan will be heard at the Rio Rancho Council Chamber on September 20, 2004 at 6:30 p.m.

Mr. Stoliker stated that Carrie Moritomo could not be here today, but will be here at the next meeting. This plan will be before the Parks and Recreation Commission on Monday at 6:30 p.m if Board members wish to attend.

5. Action/Discussion of SSCAFCA Boundaries.

Mr. Stoliker stated that the two areas in question are in Mariposa and the Hawk Site. The County has agreed to change the SSCAFCA boundaries as previously discussed so that the boundaries would follow the escarpment all the way to Indian land. Mr. Metzgar stated that since the statute sets forth the boundary, it will be best to go to the Legislature to get the change done. The statute sets out the metes and bounds description, which will have to be amended with a new metes and bounds survey description.

It was the consensus of the Board that David Stoliker move forward with this issue.

6. Discussion of Sale of Lots 6A, 7 and 8 in Unit 17.

Mr. Stoliker stated that Lot 6A has been appraised at \$35,000.00; Lot 7 at \$37,000.00 and Lot 8 at \$36,000.00. The difference in the prices is the square footage of each lot. Mr. Metzgar stated that the statute now provides for sale to private owners without having to go out for bids. It does have to be approved by the Board of Finance or DFA. Mr. Yarbrough stated that if Mr. Stoliker can make a deal with Dr. Gross with regard to the purchase of the lots, it would be great since he is the only other property owner in that same area.

A motion was made by John Chaney to approve the sale of lots 6A, 7 and 8 in Unit 17 to Dr. Gross at appraised value. It was seconded by Mark Conkling and passed unanimously.

7. Action/Acceptance of Mariposa Drainage Management Plan - Planning Area 1.

Mr. Stoliker stated that the Board approved this Plan in January and it was revised in April 2004. The City of Rio Rancho has revised this report after the last approval by the Board. The revisions were grammatical/minor and SSCAFCA staff reviewed the revised Plan and recommends approval.

A motion was made by Mark Conkling to approve the Mariposa Drainage Management Plan - Planning Area 1 as presented. It was seconded by John Chaney and passed unanimously.

CONSENT AGENDA.

Action/Acceptance of Minutes of:

a. August 20, 2004 Regular Meeting.

A motion was made by John Chaney to approve the minutes of the August 20, 2004 regular Meeting as presented. It was seconded by Mark Conkling and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER ' S REPORTS FOR JULY 31, 2004 AND AUGUST 31, 2004.

Mr. Conkling indicated that the Treasurer ' s Reports for July 31, 2004 and August 31, 2004 were in the Board members ' packets for review, acknowledgment and recognition and that he would be happy to answer any questions on them. There were no questions.

CHAIRMAN ' S REPORT.

1. On August 26, 2004, SSCAFCA Received an Outstanding Volunteerism Award.

Mr. Yarbrough stated that he, Mr. Stoliker and Mr. Rudy went to City Hall and accepted the Volunteerism Award for SSCAFCA ' s participation in cleaning up the Bosque. He felt that Mr. Stoliker should have been the one recognized rather than SSCAFCA.

2. Discussion of Candidate Forum at SSCAFCA Office.

Mr. Yarbrough stated that he would like to schedule a candidate forum at the SSCAFCA office for all the candidates within SSCAFCA's jurisdiction. Mr. Conkling stated that staff might want to check with several of the candidates first to see if they would be available on the date that SSCAFCA sets the forum. Mr. Stoliker stated that he was looking into seeing where a sign could be put on Southern Boulevard which would point the way to SSCAFCA so people would be able to find it easier.

BOARD OF DIRECTORS COMMENTS. None.

ATTORNEY'S REPORT.

1. Action/Acceptance of Real Estate Purchase Agreement Between SSCAFCA and Tierra de Corrales.

Mr. Metzgar stated that on November 18, 2003, Mr. Westman asked the Board if it would be amenable to trading a piece of land and also for him to buy from SSCAFCA a piece of property of about two acres that was excess property to SSCAFCA. The Board agreed to the request. It was decided at the time that Mr. Westman would pay \$12,000.00 per acre based on an appraisal and that if the development was successful, that SSCAFCA would stand to gain additional funds at a later time. In the meantime, Mr. Stoliker submitted Bryan Godfrey's appraisal to the Taxation and Revenue Department for approval prior to going to DFA. However, Tax and Rev did not approve the appraisal. Rather than continue to try to force the issue, another appraisal was done by another appraiser, Ian Valenzuela of Roos & Owens Appraisal Service, Inc. It is unknown from the Valenzuela appraisal what is the per acre value of the property, but it looks like it is a \$40,000.00 value total, which would make it \$20,000.00 per acre. Jack Westman thought that Mr. Valenzuela had said it was \$40,000.00 per acre, so he wanted to draw up a purchase agreement whereby he would buy the property from SSCAFCA for \$40,000.00 per acre. Upon review of Mr. Valenzuela's appraisal, it was clear that it was not that price and there were some other discrepancies in the appraisal that Mr. Metzgar did not believe would get by Tax and Rev again. Mr. Valenzuela is going to redo the appraisal, but he has not yet provided it to SSCAFCA. The Purchase Agreement has been drafted and the purchase price will be substituted once the appraisal is received. The Agreement has a provision in it that SSCAFCA may get additional compensation from the development of the property.

Mr. Metzgar stated that the Agreement also says that the entire Agreement is subject to Board of Finance approval. If the Board of Finance does not approve it, then SSCAFCA would retain the property. However, in the meantime, Jack Westman cannot proceed with his development unless he does a new subdivision plat. He has included SSCAFCA's two acres in that subdivision. Therefore, in order for him to go forward with the subdivision plat, he has to have SSCAFCA's approval to that plat. This would benefit

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SSCAFCA because there is a separate agreement that says that if DFA does not approve the sale, SSSCAFCA will deed the unplatted property to Tierra de Corrales and contemporaneously Tierra de Corrales will deed to SSSCAFCA Lots 5 and 6 in Block 1 of the Plat. SSSCAFCA would now own the replatted lots immediately adjacent to the subdivision.

He stated that he is asking that the Board to approve the Real Estate Purchase Agreement between SSSCAFCA and Tierra de Corrales, LLC, subject only to the change in the actual per acre value and cost of the property as determined by the Valenzuela appraisal.

A motion was made by Mark Conkling to approve the Real Estate Purchase Agreement between SSSCAFCA and Tierra de Corrales as presented, with the one change as recommended. It was seconded by John Chaney and approved unanimously.

2. Action/Acceptance for the Chairman to Sign the Tierra de Corrales Plat.

Mr. Metzgar stated that this matter was discussed previously. He stated that signatory authority includes the plat and the additional letter agreement whereby Tierra de Corrales will deed back the platted property if DFA does not approve the sale.

A motion was made by Mark Conkling to allow the Chairman to sign the Tierra de Corrales plat and the letter agreement. It was seconded by John Chaney and passed unanimously.

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. The annual audit is in progress with our accounting firm, Mackie-Reid.
2. Fencing is completed on the east side of the Dulcelina Curtis Channel from Rio Vista and Rio Ruidoso to Rio Oso and Rio Ruidoso.
3. August 30, 2004 letter of transmittal of Bond Resolution 2004-11 to Hughes and Strumor.
4. David Stoliker will be out of town from September 27, 2004 through October 1, 2004 at a Dam Safety Conference in Phoenix, Arizona.

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5. Delaminated soil cement has been cleaned up in the Lomitas Negras Arroyo.
6. Executive Committee Meeting Minutes for August 30, 2004.
7. The election process is ongoing.
8. The following infrastructure plans were signed by the Executive Director:
 - a) *Rancho Oro Phase 1 and Rancho Plata Phase 1:* These construction plans are for subdivisions within the Cabezon Communities Phase 1 development. The Board accepted the Cabezon Communities drainage concepts of January 27, 2004. The Executive Engineer signed the construction plans on September 1, 2004;
 - b) *Mariposa East - Drainage Ponds and Drop Structures:* These construction plans are for the detention ponds that are to be constructed along the eastern boundary of the Mariposa development. The Board accepted the Mariposa Drainage Management Plan on January 6, 2004. The Executive Engineer signed the construction plans on August 24, 2004;
 - c) *Northern Meadows Units 14 and 15:* These construction plans are for subdivisions within the Northern Meadows Drainage Management Plan - Phase 2, which was accepted by the Board on March 16, 2004. The Executive Engineer signed the construction plans on August 31, 2004. After incorporation of any comments by staff, the Executive Director will sign off on the construction plans.

The following development was received for review and comment:

Los Pinons Subdivision: This subdivision is located on Kinds Road NE, southwest of North Hills and comprises approximately 35.5 acres, with 135 dwelling units. Approximate discharge is 68 cfs.

9. September 7, 2004 Executive Committee Meeting Minutes.
10. September 13, 2004 letter transmitting the appraisal of property in Corrales to the State Taxation and Revenue Department.
11. The obsolete copier was donated to the Aztec Museum in Aztec, NM on September 10, 2004.
12. Candidate forums are being held September 15, 2004 at the Meadowlark Senior Center at 1:15 p.m.; St. Thomas Aquinas Church on October 17, 2004 and October

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24, 2004 from 4 to 6 p.m.; and Channel 51, PEG TV on October 6, 2004 at 6:45 p.m.

13. September 9, 2004 Advanced R.O.W. acquisition meeting minutes.

OTHER BUSINESS. None.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:12 a.m.

William C Yarbrough
DUB YARBROUGH
Chairman

Richard Deubel

~~RICHARD DEUBEL~~, Secretary
Donna RUBY, Acting

DATE APPROVED:

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