



**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JULY 15, 2005
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, Steven House, Donald Rudy and Dub Yarbrough. Mark Conkling was noted as absent. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, 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 Donald Rudy to approve the Agenda as presented. It was seconded by Steven House and passed unanimously.

ANNOUNCEMENTS.

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

EXECUTIVE DIRECTOR'S REPORT.

1. **Board Member Maps.**

Mr. Stoliker stated Mr. Conkling had asked that member maps be prepared showing developments and projects because he wanted to put them in his office for public use. Different sizes of the maps can be made that will contain the same information, or the information can be changed to comply with what the Board wants.

2. **Action/Acceptance of Drainage Analysis Report for Montoyas Arroyo Sportsplex Detention Dam.**

Mr. Stoliker stated this Drainage Analysis Report (DAR) is an important part of the Sportsplex Dam design process. This locks in the concepts that Bohannon-Huston will be using to complete its design. The project is a fast track project for SSCAFCA. It is 18 months to get something designed, get all the approvals, and get it built. This DAR still has

some things that are not locked in. There are seven recommendations in the DAR. From staff standpoint, the DAR looks good and they are looking for acceptance today, with conditions of acceptance.

Mr. Scott Armstrong, of Bohannon-Huston, stated that they are still in a conceptual design phase; they have not officially begun the preliminary design phase. The DAR gives the guidelines and criteria for the engineering aspects of the Montoyas Arroyo Sportsplex Dam. In the handout he has identified some of the design criteria that were established in the conceptual design report that was published in July 2004. SSCAFCA commissioned that report as more of a planning document. In that July report, it was anticipated that the storage capacity of this facility was going to be about 280 acre feet. Those numbers have been revised, which include some other updated revisions and mapping, etc. The volume has gone up to 313 acre feet. The water surface area is about the same. The crest elevation has changed. It was previously envisioned at 5,296 feet elevation; now they're looking at about 5,301 feet elevation. They are working with Pulte to be satisfied that the dam meets their requirements as well.

Mr. Armstrong stated that the flow in the existing condition is coming into the reservoir at about 5,700 cfs and in the 100 year event that will be reduced to about 4,300 cfs. In the future they will have upstream facilities as well, so the developed flow coming into the facility will drop to 4,500 cfs, with the discharge dropping to about 3,100 cfs. Right now, the concept is that the volume will stay the same, which makes economic sense to utilize the maximum capacity of the reservoir both today and in the future. The way changes in volume will be accomplished will be to change the principal outlet. During existing conditions and the interim time frame, there will probably be three box culverts. In the future, when there is less flow coming into the site, one of those outlets will be blocked which will allow SSCAFCA to maintain the full capacity of the dam with a smaller flow. It has a larger volume due to the development upstream in the future.

Mr. Armstrong stated that there are some outstanding issues on the report. They are requesting approval of the report conditional on addressing those issues during the design phase. The report identifies that the full project cost is about \$9.9 million. That cost includes the dam facility itself, some upstream and downstream arroyo improvements, channel stabilization and includes landscaping and amenity costs which is still to be worked out as part of the agreement between Pulte and the City of Rio Rancho. The current funding for the project is \$7 million. Discussions have been begun on priorities to be built for the \$7 million. Those have not been finalized.

Mr. Armstrong stated that preliminary discussions have identified that SSCAFCA will put in \$4 million, and Pulte will provide approximately \$3 million. An agreement has not been finalized. Mr. Stoliker stated that the \$7 million is a concept budget right now. The final budget is not known at this time. SSCAFCA's available funds from the bond election are \$4 million. Mr. Yarbrough stated that when SSCAFCA went to the public for its bond, it projected a cost of \$5 million for this dam. Now, all of a sudden, it's up to \$9.9 million. He stated that SSCAFCA should find out where Pulte stands on this issue before any

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decisions are made. Any cost above the \$5 million should be borne by whoever will benefit from the dam.

Mr. Rudy stated that what concerns him immediately are the design costs going into designing the structure. Design costs are not an insignificant part of a total project cost. If SSCAFCA does not have a commitment for the remainder of the total project cost, he is worried about who will pick up the costs of completing the design and doing a "redesign" for something less if it cannot be built as designed. SSCAFCA needs stronger commitment for the full funding of the project before SSCAFCA agrees to go forward with the design of the full project.

Mr. Stoliker stated that SSCAFCA budgeted \$4.4 million total for this project with \$4 million coming out of the bond just approved by the voters. SSCAFCA has \$1 million for the design from the \$3 million bond issued this year. The next issue was anticipated in the spring of 2007 for \$3 million to build the project. The extra \$400,000.00 was going to come out of other monies that SSCAFCA was going to pull from different sources. SSCAFCA can build the dam and the water quality facility for \$4.4 million. He stated that today's item is not a cost issue; it is for design concepts.

Mr. Yarbrough stated that he is really concerned about locking in a design concept before SSCAFCA is more sure about exactly how much money it will spend on the project. Mr. House stated that he understood that Mr. Stoliker is not proposing to spend more than SSCAFCA has budgeted for this project, but for them to get a better handle on the actual costs, more time needs to be spent designing the facility. Once that is done, SSCAFCA can get with Pulte to negotiate what each entity will pay. Once the design is completed, a real cost estimate can be done which will show the final true cost of the project.

Mr. Stoliker stated that there would be harm done if this matter were to be tabled; SSCAFCA would lose on this project. As a fast track project, it is supposed to be done in a certain amount of time. Right now, monsoon season is coming up and could stall the project further. Also, SSCAFCA could lose its cooperative effort with the developer.

Mr. Yarbrough stated that if SSCAFCA doesn't do the drop structures now and does them some time down the road, then it comes out of SSCAFCA's pocket. Putting off these items now reduces the immediate costs, but not the future costs. Each drop structure is a quarter of a million dollars and should have been added into the total for the project.

Mr. Stoliker stated that Item #1 is asking for acceptance of this report contingent on verifying that the proposed joint public/private funding does not violate anti-donation requirements. That analysis has been started, but not completed yet. Item #2 is acceptance, contingent upon the design meeting the available budget with alternative bids to address potential overruns. Item #3, dam overtopping, is acceptance, contingent on

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providing full spillway/berm protection and meeting all design requirements of the state engineer. Staff still has some concerns about some design issues. Item #4, on a water quality pond, is acceptance, contingent on revisiting the water quality pond design. Item #5 is surface area and property and staff recommendation is acceptance, contingent on verifying and/or obtaining property rights so that the inundation of private property is not increased due to the dam. Item #6 is scheduling and staff recommendation is acceptance, contingent on adequately addressing and resolving potential funding and construction schedule issues. The overall staff recommendation is acceptance, contingent on recognizing that technical revisions to the DAR may be required and authorizing the executive director to approve these where the revisions meet the overall intent of the DAR.

A motion was made by Steve House to accept the DAR, subject to all the contingencies outlined by Mr. Stoliker and set forth in his letter dated July 11, 2005. It was seconded by Donald Rudy and passed unanimously.

3. Action/Discussion of Unser Drainage Crossing at 19th Avenue and Task Order for the Black Arroyo West Branch @ Unser/19th Avenue Evaluation Part II.

Mr. Stoliker stated that there is a possibility that SSCAFCA can solve a regional drainage problem through a cooperative effort with development in this area. Wal-Mart is dumping water into the Unser Channel, which is a concrete channel on the west side of Unser. It goes south to 19th; across Unser and over to Cabezon. There is another development directly across from Wal-Mart called Unser Marketplace. There is a bottleneck at Unser and 19th Avenue on the culverts underneath Unser Boulevard. Mr. Dodge was asked to look at that because it was a development issue. On the east side of Unser is Cabezon Development and they are required to build a box culvert on the west side that is going to be much larger because of the flows that go into it. South and west of these properties is the Hart Porsche property and is the remainder of Unit 16 that would have to take all that flow and channel it down to the Black Dam. The school site just to the south of SSCAFCA also dumps water in the Unser Channel. If a solution can be found to decrease the flow west of Unser everybody could benefit and SSCAFCA might be able to get an agreement among the parties.

Mr. Dodge, of ASCG, stated that all of the drainage ends up at the culvert. The capacity of the culvert and the existing conditions when the Watershed Management Plan was done were essentially the same. Any increased flow is beyond the capacity of the culvert. They got into these discussions because the developing properties are proposing to free discharge, which will overload the culvert. The idea is to build a dam, which would decrease the flow down to the level of the existing culvert. This would reduce the flows downstream and let the people upstream free discharge. In return, SSCAFCA would get money from the parties to do the project.

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Mr. Stoliker stated that staff wants Mr. Dodge to design a watershed solution. SSCAFCA has put in 18% bulking, but as soon as you put in development, the bulking factor drops to 5%. Mr. Dodge is going to look at it, not only from the standpoint of a dam at the bottom, but also for regional solutions. Mr. Dodge stated that one of their ideas has been that in lieu of building a dam at the bottom right off the bat, SSCAFCA could possibly accelerate the Sugar Dam or the Sunset Dam, which are already in process. This will reduce the flow in the interim until the property is acquired for a dam at this site.

Mr. Dodge stated that the task order proposes to take this to the next level of detail. Right now, they have a master plan level of detail and it has started to be broken down into more of a facility plan level, which will let them look at the size of the dam, what it takes to reduce the flow, what the footprint would be, how much property SSCAFCA would need, etc. The task order is to get hard numbers to bring back to the Board. Mr. Stoliker stated that the cost of the task order is \$35,000.00, with gross receipts tax.

Mr. Stoliker stated that staff has had conversations with Cabezon and they know they are going to have to put in extra box culverts and they are willing to work with SSCAFCA. The school doesn't have any money right now, but if SSCAFCA does this project, the school might be able to take the dirt out of one of the dam sites for their next school building. Other owners have indicated that they may be willing to take the dirt out of the dam site and provide funding for it. Staff is in the process of going into hard negotiations with Wal-Mart and Unser Marketplace to have them pay SSCAFCA \$50,000.00 each. The question is what the facility will really cost and does it really fix the problem. The idea is to determine what will solve this problem and then complete the negotiations.

Mr. Stoliker stated that Wal-Mart wants to be open by December 2005. Unser Marketplace wants to have a pad site available in November 2005. Cabezon wants out as soon as it can happen. Hart Porsche's area wants to be moving dirt by November 2005. The idea is to have this done by October/November 2005, including all agreements with each entity. In order to do that, staff wants approval from the Board to spend \$8,500.00 to do the appraisals on the property at the bottom, in addition to the \$35,000.00 task order.

Mr. Yarbrough stated that if these entities wish to free discharge, then there should be a method by which SSCAFCA could assign each one their proper share of costs to do the project. Mr. Dodge stated that the task order would define the costs, but how they are prorated might be a little more politically involved. If the box culverts were bigger, the overall cost would be higher in the sense that the downstream developers would have to convey 5,000 cfs instead of 2,500 cfs. Eventually, the homeowners are the ones who will bear the brunt of that. The box culvert itself is a relatively inexpensive item compared to the total cost downstream. That's one of the things this task order would address.

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A motion was made by Donald Rudy to accept the task order for Black Arroyo West Branch as presented, contingent upon limiting SSCAFCA 's future participation to design and engineering and possibly land acquisition. It was seconded by John Chaney and passed unanimously.

4. Action/Acceptance of Renewal of Bond Counsel Contract with Hughes and Strumor.

Mr. Metzgar stated that this contract is one that can go for four years without bidding it again. This is simply an annual renewal of a contract that is already in place.

A motion was made by Steve House to renew the bond counsel contract with Hughes and Strumor as presented. It was seconded by Donald Rudy and passed unanimously.

5. Action/Acceptance of Resolution 2005-09 Budget for Fiscal Year Ending June 30, 2006 (FY-06).

Mr. Stoliker stated that SSCAFCA projected that it would have a 5% increase in its funds, but it ended up being 6.6%. The budget includes the cost of living raises approved by the Board earlier in the year. Healthcare remains the same. The operation and maintenance budget remains the same, \$70,000.00 of which is for construction of new improvements. The budget reduces the general fund reserve from \$660,000.00 to \$500,000.00 to put more money into right-of-way, which is at \$315,000.00. SSCAFCA still has the money to buy the properties for Sunset, Sugar and Lisbon Dams right now from bond funds. The construction fund budget, from the recent sale of the bonds is at \$3 million. SSCAFCA approved the Quality of Life Planning Project and the La Barrancas Watershed Management Plan for \$300,000.00 in anticipation that when SSCAFCA sold property, the money would go back into the project. SSCAFCA took money out of the Sunset and Lisbon dam projects to fund those projects in anticipation of returning the money when SSCAFCA sold the excess properties to Tierra de Corrales and Dr. Gross.

A motion was made by Donald Rudy to accept Resolution 2005-09, Budget for Fiscal Year Ending June 30, 2006 (F/Y 06) as presented. It was seconded by Steven House. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

6. Action/Acceptance of Resolution 2005-10 Ad Valorem Tax Levy Year 2005 (FY-06) Applicable to General Operating Fund.

Mr. Stoliker stated that this resolution deals with the ad Valorem tax levy. There is no change in the tax levy amount and staff is asking for approval. The tax levy is .0761 dollars per thousand of assessed value.

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A motion was made by Donald Rudy to accept Resolution 2005-10, Ad Valorem Tax Levy Year 2005 (FY/06) applicable to general operating fund, as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

7. Action/Acceptance of Resolution 2005-11 Ad Valorem Tax Levy Year 2005 (FY-06) Applicable to Debt Service Fund.

Mr. Stoliker stated that this resolution also deals with the ad Valorem tax levy.

A motion was made by Donald Rudy to accept Resolution 2005-11, Ad Valorem Tax Levy Year 2005 (FY/06) applicable to debt service fund, as presented. It was seconded by Steve House. Roll call vote: John Chaney, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion passed 4-0.

8. Update on Quality of Life Flood Control Planning.

Mr. Rick Counts, of CSC, stated that in the past month they have had a number of meetings, including the organizational meeting with the project's stakeholders. The stakeholders were principally the jurisdictions that are involved. They have put together a newsletter reporting their initial activities to date. They want to have a public meeting within the next 45 to 60 days. Phase I involved coordination, data collection and policy review. They have accomplished a number of those tasks. Phase I is not totally complete, but Phase II will begin shortly. Phase II begins with conceptual designs that would fill in the various major arroyo treatments where they are focusing their quality of life planning. They have programmed the SSCAFCA boundaries, the jurisdictions, and the major arroyos where they are now designating LEE lines, etc.

Mr. Counts stated that the stakeholder organizational meeting was held June 17, 2005. They will also meet later this afternoon with this status report in a little more detail. They have programmed the bike trails and pathways that currently exist or are planned. Cooperative planning includes work that is in process with the City Centre plan and they are gaining in success with GIS compatibility now that the City of Rio Rancho and the SSCAFCA engineering consultants are providing them with the background digital information. This will ensure that all of the plans are on the same scale. Development proposals are also being mapped. They have prepared growth projections in conjunction with another project they did with the Rio Rancho school district. They are comparing the City's 2004 population with an optimistic future population projection. They are studying sensitive land indicators. They want to know about cultural resources, habitat, wildlife corridors, etc. They have already checked that there is no threatened or endangered species in the immediate vicinity of the project. They are working with design guidelines and concepts that are being developed throughout the system. They are trying to find where there are gaps or consistencies, or where there is need for additional clarity between

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SSCAFCA design and principals, formulas, requirements, engineering standards, and the regulations or ordinances in the underlying municipalities. They are conducting that policy review as they lead into the jurisdictional coordination that will signify the true joint planning among the various jurisdictions.

Mr. Counts stated that they have been emphasizing communication, creativity, and flexibility. The idea is not to be rigid or locked in, but to suggest new possibilities for partnering with other jurisdictions. They are in discussions right now with the various jurisdictions with regard to how to define the arroyos. They tend to define the major arroyo corridors, of which there are eight or ten, and then as part of those families, indicate the adjacent smaller arroyos that blend into them. For a future evaluation matrix, they will define each of the arroyo systems, including the major and its branches, and they are working on an evaluation that segregates any urban area within that system, and developing area within that system, and any area that is anticipated to stay remote. Each system will have a pallet of different potential treatments for a variety of quality of life enhancements. This might range from the conservation of a riparian or wild life area to active recreation.

9. Public Meeting Notice - Proposed Montoyas Arroyo Detention Dam Site Request for Public Comment.

Mr. Stoliker stated that this public notice was in the Board ' s hand outs.

CONSENT AGENDA.

1. Action/Approval of the Minutes of June 17, 2005.

A motion was made by Steven House to approve the minutes of the June 17, 2005 regular Board Meeting as presented. It was seconded by John Chaney and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER ' S REPORT FOR JUNE 30, 2005.

Donald Rudy presented the Treasurer ' s Report for June 30, 2005. There were no questions on the report.

CHAIRMAN ' S REPORT.

1. Action/Acceptance of Executive Director ' s Contract.

Mr. Metzgar stated that he has updated the contract for the new year, which runs from August 18, 2005 through August 17, 2006. The only change to the contract was in

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the compensation portion, which was a 5% increase in Mr. Stoliker ' s annual salary, to \$83,500.00. All other parts of the contract remain the same. Mr. Metzgar has signed the original as to form.

A motion was made by Steve House to accept the Executive Director ' s Contract as presented. It was seconded by Donald Rudy and passed unanimously.

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. A task order for the Wal-Mart Development Review was signed on June 23, 2005.
2. A task order for the Unser Plaza Development Review was signed on June 23, 2005.
3. Notice from the City of Rio Rancho regarding the zoning map amendment for Southern Boulevard Business Park.
4. June 21, 2005 correspondence regarding illegal grading activity related to the C ' de Baca Casitas Subdivision.
5. The task order for the Black Arroyo West Branch @ Unser/19th Avenue Evaluation Part 1 was signed on June 24, 2005.
6. Right-of-Way Update.
7. The following plat was signed by the Chairman:

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- a. Northern Meadows Unit 11 - Phase 2; the Chairman signed for acceptance of the grant of easement for operations and maintenance of drainage infrastructure on June 9, 2005

The following developments/drainage plans were received for review and comments provided to the consultant:

- a. Drainage Report for Holt Court and Jade Court; located within the Montoyas Watershed, south of Chessman Drive and north of Abrazo Road. This development comprises approximately 14 acres, 12 dwelling units, and approximate discharge of 95 cfs. Comments were provided to the engineer on June 14, 2005;
- b. Southern & Unser Plaza; located at the southwest corner of Southern Blvd & Unser Blvd, comprising approximately 18 acres, numerous commercial shops, with a developed discharge of approximately 70 cfs. Comments were provided to the consultant on June 22, 2005;
- c. Drainage Report for Wal-Mart Store #3732-00, located at the northwest corner of Unser Blvd & Southern Blvd, comprising approximately 20 acres. Comments were provided to the consultant on June 22, 2005;
- d. Mariposa-Sierra Vista Subdivision; located within the Mariposa development. Proposed subdivision comprises approximately 15 acres, 54 dwelling units, with a developed discharge of approximately 45 cfs. Comments were provided to the City of Rio Rancho on July 5, 2005.

8. Thank you e-mail from property owner requesting information.
9. July 12, 2005 correspondence regarding Lot 49, Block 20, Unit 21, Rio Rancho, New Mexico.
10. Approval of proposed operating budget for the 2005-2006 fiscal year.
11. La Barranca Watershed Management Plan Criteria Summary.

OTHER BUSINESS.

None.

ADJOURNMENT.


A motion was made by John Chaney to adjourn the meeting. It was seconded by Donald Rudy and passed unanimously. The meeting was adjourned at 10:30 a.m.

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JOHN CHANEY
Secretary



WM. C. YARBROUGH
Chairman

DATE APPROVED:

8/19/05

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