

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 20, 2006
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular organizational meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:05 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Steve House and Donald Rudy. Dub Yarbrough was noted as absent. Bernard Metzgar, SSCAFCA's attorney, David Stoliker, Executive Director and members of the public were also present.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Mark Conkling.

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

ELECTION OF OFFICERS.

1. **Chairman of the Board of Directors/President of the Authority.**

Mr. Rudy nominated John Chaney to serve as Chairman and President of the Board of Directors for the year 2006. It was seconded by Steve House. No other nominations were made and Mr. Chaney was elected unanimously.

2. **Treasurer.**

Mr. Chaney nominated Donald Rudy to serve as Treasurer of the Board of Directors. It was seconded by Mark Conkling. There were no other nominations and Mr. Rudy was elected unanimously.

3. **Secretary.**

Mr. Chaney nominated Steve House to serve as Secretary of the Board of Directors. It was seconded by Mark Conkling. There were no other nominations and Mr. House was elected unanimously.

4. **Vice Chairman of the Board of Directors.**

Mr. Chaney nominated Mark Conkling to serve as Vice Chairman of the Board of Directors. It was seconded by Donald Rudy. There were no other nominations and Mr. Conkling was elected unanimously.

ASSIGNMENT OF COMMITTEE MEMBERSHIP BY THE CHAIRMAN.

Mr. Chaney stated that he would like to appoint alternates to each committee, as there are times when an appointee cannot attend the meetings.

1. **Executive Committee.**

Mr. Chaney appointed John Chaney, Dub Yarbrough, Bernard P. Metzgar, and David Stoliker to the Executive Committee. He appointed Mark Conkling as the alternate to the Board members.

2. **Budget Committee.**

Mr. Chaney appointed Donald Rudy, Mark Conkling, Perry Baird, and David Stoliker to the Budget Committee. He appointed Steve House as the alternate to the Board members.

3. **Personnel Committee.**

Mr. Chaney appointed Dub Yarbrough, Steven House, Bernard P. Metzgar, and David Stoliker to the Personnel Committee. He appointed Donald Rudy as the alternate to the Board members.

4. **Mid Region Council of Governments (MRCOG) Representative.**

a. **Water Resources Board.**

Mr. Chaney appointed Donald Rudy to the MRCOG Water Resources Board. He appointed Steve House as the alternate.

b. **Executive Board.**

Mr. Chaney appointed Donald Rudy to the MRCOG Executive Board. He appointed Steve House as the alternate.

c. **Metropolitan Transportation Board.**

Mr. Chaney appointed Steve House to the MRCOG Metropolitan Transportation Board. He appointed Donald Rudy as the alternate.

RESOLUTIONS FOR APPROVAL.

1. **Resolution 2006-1, Notice for Meetings.**

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Mr. Stoliker presented Resolution 2006-1. A motion was made by Mark Conkling to approve Resolution 2006-1 as presented. It was seconded by Donald Rudy.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steven House, yes; and Donald Rudy, yes. The motion passed 4-0.

2. Resolution 2006-2, Designation of Official Newspaper.

Mr. Stoliker presented Resolution 2006-2. A motion was made by Steve House to approve Resolution 2006-2 as presented. It was seconded by Donald Rudy.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steven House, yes; and Donald Rudy, yes. The motion passed 4-0.

3. Resolution 2006-3, Check Signing Authorization.

Mr. Stoliker presented Resolution 2006-3. He stated that this used to be called the "Banking Designation" but it has been changed to more accurately reflect its purpose. A motion was made by Mark Conkling to approve Resolution 2006-3 as presented. It was seconded by Donald Rudy.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steven House, yes; and Donald Rudy, yes. The motion passed 4-0.

4. Resolution 2006-4, Designation of Legal Holidays.

Mr. Stoliker presented Resolution 2006-4. A motion was made by Mark Conkling to approve Resolution 2006-4 as presented. It was seconded by Steve House.

Roll call vote: John Chaney, yes; Mark Conkling, yes; Steven House, yes; and Donald Rudy, yes. The motion passed 4-0.

EXECUTIVE DIRECTOR'S REPORT.

1. Presentation of Mariposa East Phase II.

Doug Collister, of High Desert, stated that they began construction and platting on this project a little over a year ago. The status of the development is that they have completed a waste water treatment facility that will process ½ million gallons of waste water per day. It treats the effluent to a quality that can and will be used throughout the community for all of the common area irrigation needs. They have completed a million and ½ gallon buried reservoir tank that is being backfilled and covered; a pump station on their boundary at Rio Rancho's Well #15 and the supply line that goes up to that reservoir. They have completed Mariposa Parkway about one mile of road from Unser into the community. It is a four-lane, divided parkway that is separated horizontally and vertically and winds into the community along the Venada Arroyo System as it exits the property. They are close to completing the stretch of Academy Road and Blue Grama Road. The tracts of land are largely defined by the arroyo systems. They have respected the LEE lines and have platted tracts to the LEE line, using the arroyo systems to create buffers between the tracts, view corridors

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and wildlife corridors. They have platted and have under construction a number of different subdivisions at this point in time; Vista Sandia, a 100 unit subdivision, they are making application for building permits right now and should be starting home construction within the next several weeks. Vista Monzano is a 58 unit subdivision and is at the same point as Vista Sandia. Sierra Vista is slightly behind, but will be submitting for building permits shortly. Vista de Santa Fe, approximately 95 unit subdivision, just received preliminary plat approval. Desert View, a 50 lot subdivision, is nearing completion. There are 61 estate lots in Venada Estates and Desert Highlands. These are the building envelope type of development where they place a building envelope on the lot and match the roadways to the terrain and don't do any over lot grading. They are virtually finished with those subdivisions; they are all sold and they are moving toward their second set of estate lots, Ridgeline Estates and Highland Meadows. They have preliminary plat approval on those subdivisions.

Mr. Collister stated that Mariposa East is only a portion of the Mariposa property, which is 6,500 acres, approximately 7,000 units, and encompasses about a 2,200 acre preserve, which will not have any development and will be used for open space only. The green drainage shown on the map of Mariposa East, in the Venada Watershed, indicates the areas where SSCAFCA, High Desert, and the association have easement rights. Those easements are the LEE line easements and they extend to the edge of the LEE line. Those easement agreements provide that the association maintains the arroyo systems and the drainage aesthetically and the minor erosion issues. SSCAFCA will maintain the higher level of maintenance on those. These were recorded somewhat over a year ago with their first platting actions. The SSCAFCA Executive Committee, a couple of weeks ago, approved easements in the Barranca Watershed, which is shown in blue; and in the Jemez Watershed, which are also shown in blue. These are being recorded on a plat which the City has approved and is working its way through the signing process. It is ready for SSCAFCA's signature today.

Mr. Collister stated that there is a state land section in the Mariposa Preserve and they recently put that state land section under lease. It is their intention to manage that section as part of the preserve, so it will add another 640 acres to the preserve, which will also be kept as permanent open space for public use. The preserve itself will have public access and trails within the preserve, not just for the use of Mariposa residents, but for the complete public.

Mr. Craig Hoover, engineer with Bohannon-Huston, stated that within the Venada Watershed they have done a number of projects at the boundary of Mariposa. There are six detention facilities that have been constructed that allow them to catch floatables and debris and also to reduce the discharge to less than historic for the 100 year event, as well as reducing the discharge for the 1/4 inch and ten year event as well. Four of the facilities all drain to existing arroyos over which SSCAFCA has easements. There were two historic arroyos below two drainages over which SSCAFCA did not have any easements; as part of the planning process, they came up with the idea of diverting them to a single basin and then discharging to a different downstream arroyo, thereby alleviating a concern of discharging to an arroyo over which SSCAFCA did not have an easement. The ponds are in the final stage of construction. There is about a month left of fine grading and re-vegetating.

Mr. Hoover stated that in Phase 3 in the Barranca Watershed, and in Phase 2 above Mariposa Parkway, which is in the Jemez Watershed, they are in the process of working on

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drainage plans for both of those. They have completed amendments to the original Mariposa East Drainage Management Plan. Within Phase 3, which is more of the estate type lot developments, they will have two more ponds located just above the regional sports complex, which is a 24 acre facility that will also be tied into the trail network. In Phase 2, they are envisioning a few more detention ponds and some grade control structures that will allow them to limit the discharge that leaves Mariposa at the boundary to the criteria that has been established in the DMP. As they move forward, they envision additional easements that will be granted to SSCAFCA as well, which will follow the LEE lines.

Mr. Hoover stated that the only modifications to the LEE lines are at the road crossings, where they have put in culverts that hold the LEE line in slightly at the road. They have some grade control structures that allow them to control the arroyo vertically between the road and the pond. They respected the LEE lines and set the development back from them. Mr. Metzgar stated that the homeowners' associations are going to be responsible for the level 1 and level 2 drainage. That includes cleaning up garbage and debris, and the minor erosion of the arroyos. The level 3 and 4 will be done by SSCAFCA, which includes major erosion, stabilization of the arroyos, and protection of property damage from flooding. He stated that the Board does not need to take any action, as this has already been approved by the Executive Committee based on prior Board approval. This is simply for Board information.

2. Presentation/Concept Approval of the Raft Whelan Subdivision and Santa Cecilia Subdivision in Corrales Adjacent to the Montoyas Arroyo.

Mr. Stoliker stated that these subdivisions are adjacent to the Montoyas Arroyo on the north side and just upstream of the inlet to the Harvey Jones Channel. In this particular subdivision, the engineers asked that this matter be brought to the Board with respect to a few items. At the subdivision's request and with the Executive Committee's approval, they have hired Howard Stone at a cost of approximately \$2,500.00 to look at the LEE line in this area.

Cliff Spirock, of CSC, stated that plat 1, which was conceived for Steve Nakamura of Rachel Matthew Homes, and Mr. Randy Case consists of approximately 30 acres, approximately 23 lots, and portions of it are adjacent to the Montoyas Arroyo. While they were working on this project, the adjacent project, owned by Ron Brown, of Rio Grande Investors, a property known as the Raft Whelan Subdivision also came into consideration. They worked these projects simultaneously for some unusual situations that pertain to these properties. He stated that there are also off-site considerations outside of the property ownership that affect both the Village of Corrales and SSCAFCA. The property immediately to the east of the property is owned by SSCAFCA. The property immediately east of the subject properties are connected to the Harvey Jones Channel and the bridge crossing by an easement that benefits the Village of Corrales. They have a proposal for SSCAFCA to complete the Memorandum of Understanding that was executed by the Corrales Watershed Board to convey the properties to the Village of Corrales that are left over.

Mr. Spirock stated that the first vicinity map shows project #1. It is the proposed Santa Cecilia Subdivision. The black base map underneath was from the early days of the Village of Corrales Far Northwest Sector Plan and indicates some of the roadways within that plan which he adhered to. It is immediately behind Mr. Ron Yates and the aquatic pools complex. It is bisected at the very west end by a proposed roadway segment A, which is proposed access to Northern

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Boulevard and 528. There is also an area of proposed non-residential zoning called the Neighborhood Commercial and Office District (NCOD) which affects the westerly portion of the property. The subdivision layout would accomplish approximately 23 lots and would be connected to both the roadway segment A and to the east to the crossing over the Harvey Jones Channel. It is adjacent to the Montoyas Arroyo. The Raft Whelan Subdivision is adjacent to the Perea Subdivision to the north, abuts and adjoins the proposed Santa Cecilia Subdivision and consists of two MRGCD properties, and is also served by the same roadway systems.

Mr. Spirock stated that the proposed plat for the Raft Whelan Subdivision shows two FEMA map flood plains. The one to the south is for the Montoyas Arroyo; the one to the north is for what is shown on the FEMA maps as the Tortugas Arroyo. It is encumbering both properties. In the Santa Cecilia Subdivision, it is possible to orient lots so that most of the building pads and building envelopes are outside of the FEMA flood plain. In the Raft Whelan Subdivision, it is not possible to do so. At the Thompson Fence Line is a facility built at the time that the City of Rio Rancho built their sewage treatment plant that intercepts the arroyo and diverts it to the south to the Montoyas Arroyo, but there has never been a LOMR filed with FEMA, nor have there ever been any drainage studies or engineering that accomplished that. There is also a sewage outfall easement and a physical line along the common property lines. They believe that the facility was put in to help protect that construction, but it is not recognized by FEMA.

Mr. Spirock stated that they did a slope analysis and most of the land is reasonably within a 0% to 10% gradient. They have also extracted some maps from the Montoyas Arroyo Drainage Master Plan prepared by Bohannon-Huston that was done prior to SSCAFCA's approved construction for the Montoyas Dam west of 528 and prior to SSCAFCA's agreement with Curb, Inc. for a grade control structure on the Thompson Fence Line. The LEE line somewhat parallels the Montoyas Arroyo. The LEE lines in the proposed subdivided lots that were part of the sketch plat review are encumbered by the LEE line as it was first envisioned. The developers in common have suggested that they participate in the study for re-evaluating the LEE line and getting a CLOMR and a LOMR to analyze and possibly reduce or eliminate the northernmost 100 year flood plain for the Tortugas Arroyo.

Mr. Spirock stated that their proposal is that they would like SSCAFCA to acknowledge its participation for a CLOMR/LOMR to analyze and remove the flood plain on the Tortugas Arroyo; they have asked the Village of Corrales that the subdivisions proceed while that is in progress; they will buy flood insurance as necessary if there are any proposed or completed home sites and they will control all the building pad elevations to be at least two feet above the base flood elevation as they can determine it based on that early FEMA mapping and flood zone A. He stated that they will request that both SSCAFCA and the Village of Corrales proceed with plat approvals and agreements while that is in process. Regarding the SSCAFCA LEE line, they would like SSCAFCA to initiate in the re-study, taking into effect the LEE line modifications because of the Curb, Inc. improvements at the Thompson Fence Line and the Montoyas Dam further upstream. They also suggest that SSCAFCA participate in some land exchanges. When they first conceived the subdivision that goes into the Montoyas Arroyo, one notion of development was to create lots that had easements that dipped down into the arroyo so that, essentially, somebody would own 3/4 of an acre on the top of the bank and own some unusable property as it sloped down the hill. The Village of Corrales did not like that idea. They have moved the proposed rear lot lines adjacent to the Montoyas Arroyo just upstream from the Harvey Jones inlet to the edge of the current bank and that

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creates approximately 5.1 acres of ownership that is on the side slopes and the bottom of the Montoyas Arroyo. They propose to dedicate that to SSCAFCA and convey title to that in fee simple.

Mr. Spirock stated that as the LEE line is re-evaluated, they are going to ask that if the developer loses or is affecting a few lots, then perhaps on SSCAFCA land downstream to the east, that after plat approvals occur, there can be a land exchange in consideration for that 5.1 acres to gain back one or possibly two one acres lots. They will ask that SSCAFCA allow their generated and re-directed run-off to go directly to the Montoyas Arroyo. They also ask that SSCAFCA complete the Memorandum of Understanding with the Village of Corrales for approximately the remaining land that would be bounded on the south by the Montoyas Arroyo and the Harvey Jones Channel and on the north by their roadway right-of-way, a 40' public road, for segments I and J of their roadways. Lastly, the land that's leftover, if SSCAFCA is willing to complete the MOU and deed that to the Village of Corrales, to work with Mr. Brown and Mr. Nakamura to take the residual land and create a recreational amenity.

Mr. Chaney stated that SSCAFCA can't really take any action on this item, even conceptually, until SSCAFCA has Howard Stone's study in hand.

Mr. Steve Grollman, a project manager with Larkin Group, the Village of Corrales' engineers, stated that they have recently gone over some of the maps that they have been looking at over the last few years during the development of the Far Northwest Sector. The original Far Northwest Sector plan, as provided to them by a task force by the Village, indicated that the property immediately east of the proposed southern subdivision is owned by the Village, not by SSCAFCA. The task force believes that the property was Village owned and, therefore, SSCAFCA could not trade it with the developer because SSCAFCA doesn't own it. They are happy to work with the developer and the engineer to resolve the issue.

Village of Corrales Mayor Kanin stated that the purpose of the developer was to trade some of that parcel in exchange for some SSCAFCA property. A trade may not be feasible at this time if SSCAFCA doesn't own it, so there may not be anything to trade. Mr. Chaney stated that this should be brought back before the Board once these issues are clarified and the survey is done. Mr. Spirock stated that the County Assessor believes that SSCAFCA owns it, along with the title company. Rather than going through a lot of convoluted issues regarding quiet title actions, that this can be settled with a cooperative action between the developer, SSCAFCA and the Village. Mr. Rudy stated that there must be some sort of consensus between SSCAFCA and the Village on what is the best use for the appropriate pieces of property that they're dealing with and if both entities don't agree, then it doesn't matter who owns it, there will be a conflict.

An Executive Committee meeting was set for 9:30 on January 30, 2006 to discuss this issue. Mr. Chaney stated that if there is a consensus between the Village and the developer that all three parties meet; if there is not a consensus, then he would like to hear from the Village. Mr. Metzgar stated that the only way that the whole concept can be resolved is that the title work be given to the Village and then to SSCAFCA to see if both entities agree with what Mr. Spirock's sources have told him. Then, if the Village owns it, SSCAFCA will not get involved in an exchange because SSCAFCA can't exchange what it doesn't have; if SSCAFCA owns it and the Village agrees, then SSCAFCA can go forward in some manner.

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A motion was made by Steve House to get a title report on the property for the benefit of SSCAFCA. It was seconded by Mark Conkling and passed unanimously.

3. Action/Acceptance of Canvassing of Bids for Saratoga Road Crossing Project and Contracting with the Lowest Bidder.

Mr. Rob Demeule, of Huitt-Zollars, stated that the original engineer's estimate was \$340,000.00 for the base bid and \$396,000.00 for the alternate. At the December Board meeting, the Board approved the \$396,000.00 budget for the project. The apparent low bidder out of three bidders was David Montoya Construction, with a base bid of \$343,956.23. They have canvassed and reviewed the bids over the last few days and all the bids are in order; there are no discrepancies or questions in their view. They are here today to ask that the Board award the contract to David Montoya Construction. David Montoya Construction has indicated that it is ready to mobilize and execute the project as soon as the contract can be executed. The contractor is providing the bond.

A motion was made by Mark Conkling to accept the canvassing of bids for Saratoga Road Crossing project and to contract with the lowest bidder, David Montoya Construction, as presented. It was seconded by Steve House and passed unanimously.

4. Action/Acceptance of Joint Powers Agreement with the City of Rio Rancho for Sportsplex Dam Sanitary Sewer Relocation.

Mr. Metzgar stated that he has worked up a Joint Powers Agreement with the City to accomplish the movement of the sanitary sewer line, which is required for the Sportsplex Dam project. This issue has been discussed in Executive Committee in detail. He has already run this JPA by Jim Babin, Rio Rancho City attorney, and Mr. Babin has indicated that it is okay with the City.

Mr. Howard Stone, of Bohannon-Huston, stated that the size of the sewer line should be a 36" outside diameter instead of the 30" as shown on the JPA. Mr. Stoliker stated that he and Ken Curtis have agreed to leave it at 30". Mr. Stone stated that the existing sewer line is in the wrong horizontal location for the dam and it needs to be moved over to get it out of the way of the structure.

A motion was made by Mark Conkling to accept the Joint Powers Agreement with the City of Rio Rancho for the Sportsplex Dam Sewer Relocation as presented. It was seconded by Donald Rudy and passed unanimously.

5. Authorization to Establish Budget and Advertise Sportsplex Dam.

Mr. Howard Stone, of Bohannon-Huston, stated that at the time of the December meeting they had not done the final detailed calculations for the scour analysis on the downstream side of the facility where they end at the concrete spillway. Since that time, it has been completed, which gives a much better idea of the construction costs for the spillway itself. In December, they had a total cost of \$5.5 million. That represented everything in the project, both construction and soft costs. They had also looked at doing some reduction of costs by doing alternates to bring down the cost should there not be enough money to construct the entire project, which reduced the amount to \$5.1 million. Since that time, the biggest difference is the reduction in cost of the emergency spillway. Last month, it was estimated at \$1.3 million for construction costs; it is now down to about

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\$800,000.00. This is a combination of reducing the probable maximum flood flow from 119,000 cfs to 104,000 cfs, along with the resulting detailed scour calculations. This is a benefit to the project in that it provides better control on costs. He has added in the trail maintenance and it is no longer an alternate, but rather is part of the project. The sewer relocation is about \$400,000.00, which has gone up a little from last time, mainly because of the stiffer pipe that the City requires for the project.

The reimbursement for that will be about \$150,000.00 and may go up a little in terms of what the City will have to pay for its upsizing of the pipe size. The concrete boxes and the principal spillway is about \$650,000.00. The storm water quality pond is about \$200,000.00; and there are miscellaneous costs of \$200,000.00. Right now at this stage, there is \$380,000.00 for a 10% contingency cost and tax. The total comes to about \$4.1 million for the project.

Mr. Stone stated that if everything included in the soft costs are built as it is designed right now, the project would be about \$5.2 million. The present budget is \$4 million from SSCAFCA and approximately \$900,000.00 from Pulte and \$150,000.00 from the City; this comes to \$5.05 million. They have listed in their plans three deductive alternates should the costs not come in as anticipated. One is the reduced west mass grading plan. With the property on the west side of the road across the dam, they have two grading plans for that area depending on how the costs come in. This gives the opportunity to reduce the costs by \$56,000.00. The second is the reduced water quality pond. They still must have the portion of the water quality pond that leads into the flood pool, but the other piece which is basically the pipes and unit tower can be delayed until later if needed. This cuts \$164,000.00 from the costs. The last alternate, which he hopes will not be needed, is \$240,000.00 for not building the flood pool drop structure into the main facility. These costs are fairly tight, but may vary by a few thousand dollars.

Mr. Stone stated that they propose to submit to the State Engineer's (OSE) office the entire package, which is comprised of hydrology and hydraulic report, along with the design analysis report, and plans and specs by January 31, 2006. The state will need about a month and a half to review that document. The 404 permit is close to being advertised by the Corps, which should be out within the next one to two weeks. It is a thirty day process to advertise the 404 permit. They anticipate getting comments back from the OSE by March 15, 2006. They propose to advertise the project around the middle of February, which would give plenty of time to advertise before construction is started. The 404 permit approval is anticipated around the middle of March, and they propose awarding the project near the end of March. This way, construction can begin around April 15, 2006. This would mean the end of construction would be around May 2007. Initially, when working with Pulte in terms of the schedule, they were shooting for November to get the berm done for the road to go on top. At present, it looks like the berm probably won't be done until January 2007.

Mr. Chaney stated that it should be brought in at the \$4.9 million. Mr. Stoliker stated that if the Board wants to keep the budget at \$4.9 million, then they can't do some of the other items. Mr. Stoliker stated that SSCAFCA's standard is a 10% contingency. However, the Board could direct that the contingency be 5% since the project is so close.

Mr. Stoliker stated that for the \$5.059 million project as shown by Mr. Stone, SSCAFCA has \$5,050,000.00 right now that SSCAFCA knows will go toward that project; \$4 million from SSCAFCA's bond, \$900,000.00 from Pulte, and \$150,000.00 from the City of Rio Rancho. This amount includes a 10% contingency of \$380,000.00. It is possible to reduce the contingency to

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match the Engineer's estimate, which will bring the project within budget. Mr. Chaney stated that the project should be built with the money that SSCAFCA has right now. Mr. Stoliker stated that they will reduce the contingency to keep the project within budget. Mr. Conkling stated that if there are savings in other categories, then priorities should be set for those deductions. Mr. Stone stated that the deductive alternates are in the bid proposal and are included in the \$5.05 million.

A motion was made by Mark Conkling to accept the budget as modified. It was seconded by Steve House and passed unanimously.

6. Action/Acceptance of General Landscape & Maintenance Services Contract Renewal.

Mr. Stoliker stated that this is a renewal of the current contract with a change in price from \$52.50 up to \$65.00. The reason for this increase is the cost of materials, the cost of gas, etc.

A motion was made by Mark Conkling to accept the General Landscape & Maintenance Services contract renewal as presented. It was seconded by Donald Rudy and passed unanimously.

7. Action/Acceptance of Selection of Appraisers, Engineers and Surveyors.

Mr. Stoliker stated that every four years requests for proposals for new contracts need to be advertised. Staff selects them and then presents them to the Board. SSCAFCA needs to have more appraisers under contract, as appraisals are running 60 to 90 days. Staff has decided on four different appraisers they would like to contract with: Commercial Appraisals, Shipman/Foley, Travis Engelage, and Bland Appraisal and Review Services. The engineers are the same as before, except one has been added, Kleinfelder, because they have geotechnical experience. The surveyors are the same that SSCAFCA had before. Staff is asking for approval of the selection of the appraisers, engineers and surveyors, so that contracts can be brought to the Board next month.

A motion was made by Steve House to accept the appraisers, engineers and surveyors as presented. It was seconded by Mark Conkling and passed unanimously.

8. Action/Acceptance of MOU with MRCOG for Orthoimagery Mapping.

Mr. Stoliker stated that Mr. Metzgar believes that an MOU is not needed in this instance and, rather, a letter agreement can be drawn up. Mr. Metzgar stated that he felt uncomfortable with this MOU between SSCAFCA and MRCOG because SSCAFCA usually goes to a JPA if government entities are combining on a project. However, SSCAFCA and MRCOG are really not combining on the project; rather, SSCAFCA is saying that it will buy the completed data after it is done. MRCOG is going to do the project. All SSCAFCA needs to do, if the Board wishes, is to authorize the spending of this amount of money to purchase the data that is listed. The cost would be no more than \$20,000.00. Mr. Stoliker stated that imagery and mapping is crucial to SSCAFCA. With respect to this type of imagery, since it is digital, it can be altered and manipulated. SSCAFCA has spent over \$400,000.00 in the last six years on mapping. If this is worked in a cooperative effort with MRCOG for \$20,000.00, it is a tremendous cost savings to SSCAFCA.

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A motion was made by Steve House to approve a letter agreement with MRCOG for Orthoimagery Mapping as presented. It was seconded by Mark Conkling and passed unanimously.

9. Action/Acceptance of Sewer Line Easement Across Venada Arroyo Serving Prices Dairy North.

Mr. Ron Bohannon, of Tierra West, stated that they are finishing up The Orchards and have the maintenance road completed. They have approval on the final water quality feature and are waiting for their 404 permit to build that. They are moving to the 93 acres on the north side, which is the balance of the Price's Dairy site. They hope to be on next month's agenda for the overall drainage master plan for the 93 acres north of the Venada. They are here today asking for the other sanitary sewer crossing, which is almost at the bend of the Venada Arroyo. They propose to put the sewer crossing in and they are working with David Stoliker to put in another drop structure at that same location. They are far enough along with the master plan that they will have two more drainage inlet structures to balance out the 93 acres. Everything else is below the Venada and it won't impact it at all. They are about 8 to 9 feet below the invert of the arroyo and it will be encased in concrete. Mr. Bohannon stated that it is an 8" line.

A motion was made by Steve House to approve the sewer line easement across the Venada Arroyo as presented. It was seconded by Mark Conkling.

Mr. Stoliker stated that staff is asking that this matter be contingent upon technical and legal review.

The motion passed unanimously with the contingency as stated.

10. Action/Acceptance of ASCG Task Order for Unser Dam at Venada.

Mr. Stoliker stated that he would like to move this item in front of Item #10 as Dr. Sigler was not yet at the meeting.

Mr. Stoliker stated that approximately 6 months to a year ago, an agreement was worked with Mariposa to remove dirt from SSCAFCA sites. SSCAFCA has property near the Bernalillo water tank for a dam site and Mariposa had enough dirt to complete its subdivision. They are now in another phase of the subdivision and they would like to take dirt out again. For them to do that, Mr. Dodge needs to get a Corps permit on behalf of SSCAFCA.

Mr. Clint Dodge, of ASCG, stated that this task order is roughly \$12,000.00 and approximately half of that is for the environmental work required for the 404 permit; the rest of it is for preparation of the 404 package and getting it submitted. The rough grading plan is complete from the last effort, so once permission is received, Mariposa can get the dirt.

A motion was made by Mark Conkling to approve the task order as presented. It was seconded by Steve House.

Mr. Stoliker stated that SSCAFCA will charge Mariposa \$0.50 cubic yard for the dirt. Mariposa has agreed to sign a letter agreement to reimburse up to the \$12,000.00 amount for Mr.

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Dodge. As Mariposa removes the dirt, it will be deducted from what Mariposa would pay SSCAFCA. SSCAFCA also saves from not paying for removal of the dirt itself by doing it this way.

The motion passed unanimously.

CONSENT AGENDA.

1. **Action/Approval of the Minutes of December 16, 2005.**

A motion was made by Mark Conkling to approve the minutes of the December 16, 2005 meeting as presented. It was seconded by Steve House and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER' S REPORT FOR DECEMBER 31, 2005.

Donald Rudy presented the Treasurer' s Report for December 31, 2005. There were no questions on the report.

1. **Action/Acceptance of Resolution 2006-05 Fiscal Year 2006 Budget Adjustment.**

Mr. Metzgar stated that the Board passed a resolution to revise the fiscal year 2006 budget by adding a \$3 million appropriation in the construction fund. In the "WHEREAS" clauses, DFA did not believe it was clear enough as to where the money was coming from and where the adjustment was being made. Perry Baird worked up another resolution that clarifies that issue for DFA and staff believes it will be approved by DFA.

A motion was made by Mark Conkling to approve the budget adjustment language of Resolution 2006-05. It was seconded by Steve House. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steven House, yes; and Donald Rudy, yes. The motion passed 4-0.

EXECUTIVE DIRECTOR' S REPORT (continued).

11. **Action/Acceptance of "Biological Review of SSCAFCA Permits, Facilities and Processes".**

Dr. John Sigler stated that he was asked to look at four different aspects on SSCAFCA' s permits. The first was the NPDES Phase II permit process, which was submitted in March 2003, and make sure that SSCAFCA was in compliance with the requirements that have come out of that program since. Everything seems to be in place; all SSCAFCA needs to do is continue with their education and outreach process for the next several years and continue to submit its annual reports on time.

Dr. Sigler stated that the second part he was to look at was the Clean Water Act Section 404 Permit process that evolved from work that was done in 2003 and 2004 where there was a biological opinion issued from the Fish & Wildlife Service regarding the requirements for maintenance of storm water facilities up and down the Rio Grande. This was a joint program with SSCAFCA, AMAFCA, the City of Albuquerque and the Highway Department for maintenance of existing and future storm

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water facilities. The Corps of Engineers had no documentation whatsoever on any SSCAFCA facilities in their files. They came up with a template that is a matter of documenting either the way the facility was initially built, or the way it was maintained the last time it was maintained. That will establish the requirement for a maintenance baseline. The maintenance baseline is a requirement of the Corps of Engineers Nationwide Permit #31. The Corps would prefer that they be done one at a time at initiation. That will take some time, but the idea is to give them one, let them make comments on that one, and once they have decided that everything is in there that needs to be in there, then do the remaining facilities.

Dr. Sigler stated that the third part of the process was to do a focused biological evaluation of Roskos Pond; they did a review of the aquatic plants that are in the detention pond. What has happened is that either birds or the wind has distributed several species in the pond that weren't actually planted and the cattails are pretty thick in the pond. At some point in time, SSCAFCA may need to remove some of the cattails as they are choking the pond to the point where it may cease to function or the capacity may become an issue. Right now, it is okay. They also looked at what was going on with coliforms in the pond. There was a good storm right before one of their samples and, as is typically the case, the coliform counts went way up. The North Diversion Channel is the largest contributor to that issue in the Middle Rio Grande. The numbers were in the neighborhood from 150,000 to 350,000 colonies per unit, which is pretty high. If that was running into a regulated stream, it would create some issues with the New Mexico Environmental Department. There are a huge number of ducks and other birds in that pond on any given day and most of the coliform is coming from the avian species. He does not believe that this is a regulatory issue, as there is nothing that SSCAFCA can do about the avian species that are using the pond. They ran another set of samples in November when it had been very cold and no precipitation for several days, and those numbers were down two orders of magnitude lower. They also worked up a biological report on what was going on there and did some plant species evaluation. That information is in the report.

Dr. Sigler stated that the fourth part of the process was a biological evaluation of existing and new designs. This was the most challenging of the four trying to figure out if you can still do what you need to do from an engineering standpoint and be able to maneuver things around so that they can work more effectively from a biological standpoint. The answer is yes. There are some opportunities to change things a little bit, which should not increase cost as long as it is designed ahead of time. The entire floatables issue is something that needs to be dealt with. It's almost no surprise that most of the samples that were taken in flowing conveyances or streams were from avian sources, and behind that was cats, dogs and humans, which raises questions on where that is coming from. The remaining was rabbits being a major contributor. This was done by a 319 Grant through the New Mexico Environment Department through Parsons Engineering. The coliforms in each species have a different DNA structure.

Dr. Sigler stated that they developed a template for the maintenance baseline and that process can go forward.

A motion was made by Steve House to accept the "Biological Review of SSCAFCA Permits, Facilities and Processes" report as presented. It was seconded by Mark Conkling and passed unanimously.

CHAIRMAN'S REPORT.

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Mr. Chaney stated that he would like to move this matter up.

1. Award for Dub Yarbrough as Chairman.

Mr. Chaney stated that he would like to suggest an award for Dub Yarbrough for all of his years of public service and leading SSCAFCA the way that he has and present it to him at the next SSCAFCA Board meeting. Mr. Rudy stated that since Mr. Yarbrough's contributions to SSCAFCA are not yet over, maybe the award should be for the number of years that he spent as Chairman. Mr. Chaney suggested getting a piece of artwork with the award underneath it. Mr. Stoliker recommended that Laura be in charge of this matter because she is good at it and to give staff time to look at alternatives.

2. Presentation of AMREP Award Recognizing Land Donations Totaling 1,145.745 acres.

Mr. Chaney and the Board presented an award to AMREP for its donations of land totaling 1,145.745 acres to SSCAFCA and the public. Mr. James Wall, President of AMREP Southwest, accepted the award on behalf of AMREP. Mr. Stoliker stated that there are four copies of the award - one for the local office, one for AMREP's national office, one for SSCAFCA's office, and a copy for the City of Rio Rancho.

3. MRCOG.

Mr. Chaney stated that there is a change on the MRCOG representation. MRCOG Executive Board member is Steve House with Donald Rudy as the alternate.

BOARD OF DIRECTORS' COMMENTS.

1. Discuss Physical Modeling of Harvey Jones and Dulcelina Curtis Channels.

Mr. Conkling stated that historical data suggests that there are conflicting engineering studies about the capacity of the channel. You cannot find out what it will really handle by looking at what the engineer reports have said. One report would change what SSCAFCA does if it is right, the other wouldn't. There is an opportunity to save money on the reach between the new dam and the Corrales Bridge if the Board knew its real capacity. Given the issues around the levee strength due to Hurricane Katrina, it is in SSCAFCA's best interests to know the choke points. For \$10,000.00 to \$20,000.00, SSCAFCA can have a model built to learn the actual capacity, surge and swell of the channel. He recommended that SSCAFCA have a model built.

Mr. Chaney stated that this is a very good idea; however, the timing is a bit off. When SSCAFCA does the Sportsplex Dam, it needs permits from the Army Corps and this issue of capacity at the Harvey Jones has two government agencies at each other's throats, Army Corps of Engineers and NRCS. SSCAFCA may want to wait on the modeling project until after it has its permits for the Sportsplex Dam. Mr. Rudy stated that SSCAFCA needs to include the portion from the bridge down to the river in the modeling because it affects the entire area near that bridge. Mr. Stoliker stated that the Corps of Engineers set the number at 5,000 cfs and NRCS set it at either 8,000 or 11,000 cfs at the Corrales Road and the Harvey Jones Channel.

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Mr. Metzgar stated that SSCAFCA was going to ask the Corps of Engineers for help in doing the modeling, but the Corps says that its numbers are right and that the study is not needed, therefore, they would not offer any money. This is the reason that the timing might be off at this point. Once the report is done, the numbers can be presented to both agencies. Mr. Chaney stated that there were also some financial implications involved in the agencies' decisions that had to do with the bridge over the Harvey Jones and who might be responsible for the cost if that bridge had to be raised and rebuilt. It was decided to wait on modeling the Harvey Jones and Dulcelina Curtis Channels.

ATTORNEY' S REPORT.

1. Sportsplex Dam Agreement with Pulte.

Mr. Metzgar stated that he has gone over the Agreement with Pulte on the Sportsplex Dam and has discussed his changes with John Myers, who has made the changes. The Agreement will be ready shortly for signature.

PUBLIC FORUM.

None.

FOR YOUR INFORMATION.

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

1. The following infrastructure plans were signed by the Executive Director:
 - a. Extension of Mariposa Parkway & Blue Grama Drive Construction Plans, the Executive Director signed the mylars on December 28, 2005;
 - b. Construction Plans for Blue Grama Drive & Reservoir Road in Mariposa were signed by the Executive Director on December 28, 2005;
 - c. Cabazon-Storm Drain from Tract 17 to Tract 17 Pond, the Executive Director signed the construction Mylar on December 27, 2005.

The following infrastructure plans were reviewed and comments provided to the consulting engineer:

- a. Santiago Subdivision-Venada Arroyo Water Quality Feature, comments were provided to the engineer on December 28, 2005;
 - b. Mariposa-Black Dam Water Quality Feature, comments were provided to the engineer on December 27, 2005.
2. Paseo del Volcan Phase 2 Alternative 7.

OTHER BUSINESS.

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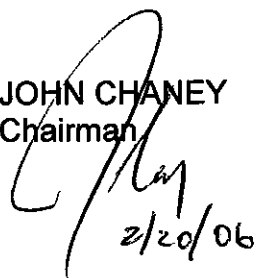
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Mr. Stoliker asked that next month's Board meeting be moved to Monday, February 20, 2006 at 9:00 a.m. The Board agreed.

ADJOURNMENT.

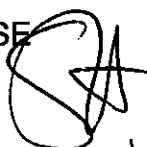
A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:35 a.m.

JOHN CHANEY
Chairman



2/20/06

STEVE HOUSE
Secretary



DATE APPROVED: 2/20/06