

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JUNE 16, 2006
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Chairman, at 9:08 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Steve 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 John Chaney.

APPROVAL OF AGENDA.

Mr. Stoliker stated that he would like to remove item #2 from the Executive Director's Report.

A motion was made by Donald Rudy to approve the Agenda as amended removing item 2 from the Executive Director's Report. It was seconded by Dub Yarbrough and passed unanimously.

ANNOUNCEMENTS.

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

EXECUTIVE DIRECTOR'S REPORT.

1. April 26, 2006 Letter Requesting Action by SSCAFCA Concerning the Lomitas Negras Arroyo.

Janet Pollat, a resident of Rio Rancho, is here today with the endorsement of the Chamisa Estates Neighborhood Association, which includes property owners bordered by Highway 528 West, Northern Boulevard, Idalia Road, and Kim Road. The homeowners are concerned about the Lomitas Negras Arroyo. The arroyo passes along two schools, Rio Rancho Middle School at 40th Street and Enchanted Hills Elementary School at Obregon and Saratoga. They are concerned about erosion of the banks of the arroyos by persons riding motorized vehicles. They are also concerned about the noise pollution from the motorized vehicles riding along the arroyos. She submitted a letter to Mr. Stoliker, which has been endorsed by many members of the association. She then read the letter to the Board.

Mr. Stoliker stated that SSCAFCA staff has not entirely addressed this issue. Staff did meet with the neighborhood association to get some signs to post in the area. SSCAFCA owns the

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bottom of the arroyo. The property has not been surveyed yet and, pursuant to SCAFCA's policy, it must do a survey before it can fence anything. SCAFCA usually puts the fence one foot within its property. Mr. Chaney stated that SCAFCA should fence the obvious entry points in the arroyo. Mr. Rudy stated that walkers and hikers should be allowed in and the motorized vehicles need to be kept out. Mr. Stoliker stated that the area is just starting to develop close to the arroyo and there are really only homes on the south side; the north side is still very open. The only way to keep people out would be to fence it and maintain it. The signs could be a first step to alerting people that it would eventually be blocked off. The homeowners would then have more backing in order to make their calls to DPS to get people out of the area.

Mr. Chaney stated that a possible solution at this point would be to put rocks in the obvious entry points into the arroyo. Mr. House stated that he lives in the area and there are probably a million access points to the arroyo. It's not as easy as blocking off a few obvious access points. The only way to stop it totally is to fence the arroyo and get the property owners on the outside of the arroyo to fence their property.

Mr. Chaney stated that SCAFCA would put up the signs and suggested to Ms. Pollat that she come back and give the Board a report in approximately six months to see how well they are keeping people out.

2. Discussion of HJC/Paseo Tomas Montoyas Speed Limit Increase Evaluation and Response.

Mr. Stoliker stated that SCAFCA staff got a request from the Village of Corrales' engineer, Steve Grollman, who asked if SCAFCA would look at allowing the Village to increase the speed along the Harvey Jones Channel. Mr. Stoliker had Bohannon-Huston look at it, and Bohannon-Huston responded on May 23, 2006. Mr. Stoliker stated that he has prepared a letter which says that increasing the speed to 25 miles per hour will not affect our structure. He stated that he made sure that the Village knew that this was not a traffic analysis or transportation engineering study of any kind. His letter merely talks about the structural capacity of SCAFCA's channel and that it is able to take the extra speed.

Phil Gasteyer, the new mayor of Corrales, stated that this item was pursued by councilor Jim Fahey, who is attempting to improve traffic flows on the west side of the Village. Because of its proximity to the Harvey Jones Channel, Steve Grollman thought it would be a good idea to check with SCAFCA to ensure that the facility could bear the faster speed limit. At the meeting on Tuesday night, the Village did approve the resolution increasing the speed limit.

It was the consensus of the Board that David Stoliker sends a letter reflecting the above discussion.

3. Action/Acceptance of Concept Approval for Lots 106A & 107A, Block 33, Unit 10 (Veranda Road).

Martin Garcia, of ABQ Engineering, stated that these two lots are adjacent to a self storage facility. They want to build two 11,000 square foot warehouses on the property. Through their design process, they have discovered that the LEE line for the Lisbon Channel bisects the property. They have met with SCAFCA staff to find out what options they have to allow them to move the

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LEE line to develop the property as intended. They propose to install baskets above the existing rip-rap. They have tried to determine the depth of riprap in the arroyo, but that has not yet been completed. They were told that if they did what is proposed, that the Board might entertain a request to move the LEE line. One of the things that came about in their discussions is that SSCAFCA does not own the right-of-way for the arroyo. One option was for them to find out who the property owner is and work out an agreement with the owner with regard to maintenance. They have located the owner, which is the City of Rio Rancho. They are asking that the Board allow them to install an arroyo gabion basket above the rip-rap as a means of stabilizing that side of the arroyo. That would allow the adjustment of the LEE line through the property so that they could build the warehouses.

Mr. Garcia stated that there is a lot of construction debris just upstream of the property. Mr. Stoliker stated that the engineer has been alerted to the fact that the storm water run-off in the channel is very rapid as far as velocity is concerned. When the water is flowing, it can attain a velocity of 15 to 25 feet per second. Mr. Garcia agreed to provide SSCAFCA an easement for the arroyo and up to 30' within the commercial property and to engineer the bank protection to SSCAFCA's satisfaction. The owner will install and maintain the rip rap and his property upon completion. Mr. Stoliker stated that since Mr. Garcia and the owner are willing to do all of this, staff is recommending approval.

Mr. Garcia stated that the protection that was done by Mr. DeBonis is rip-rap and concrete rubble in the bottom of the arroyo. They are proposing to tie the gabion basket under the rip-rap to keep the water from eroding the arroyo further. The rip-rap is about eight feet deep and provides an anchor for the basket.

Mr. Garcia stated that the property cannot be developed if the LEE line is respected. The LEE line splits the property just about down the center. Mr. Stoliker stated that if SSCAFCA re-did the LEE line, it would be reduced. Mr. Rudy stated that he would have a hard time making a decision on this without having an engineer study it. He wants to know what has to be done, how extensive, what variety of solution would work, and what the impacts and benefits are for this to be done. Mr. Garcia stated that because of the fact that the rip-rap is already on their side of the property, the erosion is happening on the opposite bank of the arroyo. There is approximately a 2:1 slope on the property. Mr. Stoliker stated that Mr. Garcia is really looking for concept approval today.

A motion was made by Steve House to approve the concept of LEE line reduction through rip rap installation and to allow preliminary engineering to begin to be brought back to staff. It was seconded by Donald Rudy.

Mr. Yarbrough stated that he was concerned about setting precedent about changing LEE line after the money was spent on the engineering studies to set the LEE line. Mr. Stoliker stated that the precedent was set not too long ago. SSCAFCA has acknowledged that it needs to go back and do something with its policies, specifically the LEE line policy. Mr. Stoliker stated that this proposed "fix" is not unsafe as it is a commercial development that will perform the O & M on the structure. Mr. Chaney stated that there is a distinction that should be made between commercial development and residential.

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The motion passed unanimously.

4. Update on the Construction Contract for Sportsplex Dam Project. Request Special Board Meeting on Monday, June 26, 2006 to Award Contract.

Mr. Stoliker stated that because of some comments received, the Office of the State Engineer has not yet approved the plans and the bid opening was delayed from June 9, 2006 to June 20, 2006. Staff would like to have a special meeting on June 26, 2006 to award the contract. It was the consensus of the Board that the special meeting be set for June 26, 2006 at 9:00 a.m.

5. Action/Acceptance of Renewal of Legal Services Contract.

Mr. Metzgar stated that the firm of Lamb, Metzgar, Lines & Dahl is ceasing business at the end of this month, and attorneys in the firm are going their separate ways. He is going to be "of counsel" to a firm that Clay Crowley is starting up. This means that Mr. Metzgar is considered an independent contractor with Clay's firm, but he is still responsible for his own work. He wants to continue his governmental contracts that he has and in order to do this, the Lamb, Metzgar, Lines & Dahl contract must first be renewed, and then it must be assigned to the Law Offices of Clayton Ewing Crowley, Esq., P.C. The contract cannot be assigned without Board permission. He asks that the Board approve the assignment as presented. There is no change to the original contract.

A motion was made by Steve House to approve the legal services contract as presented and the assignment as presented. It was seconded by Donald Rudy and passed unanimously.

6. Discussion/Public Comment of SCAFCA's Infrastructure Capital Improvement Plan (ICIP).

Mr. Stoliker stated that this plan is required by the State. SCAFCA is not anticipating requesting any legislative funding from the state but the plan must still be submitted. The City's impact fees have kicked in, and they have said they will allow them to accumulate for the first year. Next year is when the City wants SCAFCA to do a joint capital improvement program with them.

A motion was made by Steve House to accept SCAFCA's ICIP as presented. It was seconded by Donald Rudy and passed unanimously.

7. Action/Acceptance of City of Albuquerque Group Benefit Regulations.

Mr. Stoliker stated that, in the past, SCAFCA has gotten its health insurance through an agreement with Sandoval County. Sandoval County got its insurance through a contract with the City of Albuquerque. The City of Albuquerque no longer wants sub-contracts and is requiring direct contracts with each entity.

Perry Baird stated that this does not change the pool of insured employees that SCAFCA employees were in before. The funding ratio the City is using this year is 83/17; SCAFCA's budget was approved at 80/20. Open enrollment has already been completed. The contract would be directly between SCAFCA and the City, which has not yet been presented to SCAFCA for review.

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This means that Sandoval County will no longer handle SSCAFCA ' s files. Laura has done this sort of work before and is willing to take over the responsibility. Mr. Baird stated that SSCAFCA will have to pay the providers directly.

Mr. Metzgar stated that he does not believe that the Board should be approving the benefit package prior to signing the contract. This matter should be for informational purposes at this time. He believes that this matter should come back to the Board for final approval when the contract with the City of Albuquerque can be reviewed.

Mr. Baird stated that there were roll-over provisions with regard to the process that SSCAFCA just went through with regard to the open enrollment. Whoever was on Lovelace automatically went to Cigna; people who were already on Presbyterian are still under Presbyterian. The only thing that changes is the amount of the premiums, deductions and actual benefit payments. The County will turn over the files to SSCAFCA for maintenance. Mr. Metzgar stated that coverage takes effect on July 1, 2006. He suggested that staff get the contract and that this matter be heard at the special meeting scheduled for June 26, 2006.

A motion was made by Donald Rudy that the contract be added to the Agenda of the special meeting scheduled for June 26, 2006. It was seconded by Steve House and passed unanimously.

CONSENT AGENDA.

Action/Approval of the Minutes of May 19, 2006.

A motion was made by Donald Rudy to approve the minutes of the May 19, 2006 meeting as presented. It was seconded by Steve House and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER ' S REPORT FOR MAY 31, 2006.

Mr. Rudy stated that the Treasurer ' s Report is ready for review by the Board. There were no questions on the report and it was accepted by the Board.

Mr. Stoliker stated that SSCAFCA only has four items that are over their budget, for a total of around \$3,000.00 with the biggest being the janitorial service. He stated that Perry Baird does a wonderful job on the budget.

CHAIRMAN ' S REPORT.

Nominating Petitions are due on June 26, 2006 for Board of Directors ' Election.

Mr. Chaney stated that the nominating petitions are due on June 26, 2006.

BOARD OF DIRECTORS ' COMMENTS.

Mr. Yarbrough stated that the request for the money in the Community Sciences ' request regarding additional funding for quality of life project falls under Mr. Stoliker ' s limit, but he was wondering why it wasn ' t an item on the Agenda. Mr. Stoliker stated that the packet had already

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gone out before staff received this letter. Mr. Yarbrough's point is that the Quality of Life issue is very important to the Board. Mr. Chaney stated that he believes that Mr. Yarbrough is expressing an interest in having this matter listed as an informational item. He stated that unless the Board members go through every item of paper, this matter could have been missed by some and he believes that this should have been an item under the Executive Director's report.

Mr. Stoliker stated that this request will finish the contract. He also is expecting the same contract increase request from Mr. Dodge on the Barrancas Arroyo Watershed Management Plan.

Mr. Metzgar stated that the item is listed as number 7 under "For Your Information." He believes that the only thing that could have been added to this is maybe the amount of the request.

Mr. Metzgar stated that AMREP has donated property in the past and they have just sent SSCAFCA staff a form that AMREP must turn into IRS on their claim for charitable contributions. The Chairman of SSCAFCA must sign the form acknowledging that the property was given to SSCAFCA. The form is specific that SSCAFCA does not agree or disagree with the value being claimed by AMREP. SSCAFCA simply acknowledges that it was done. He stated that the form further states that if SSCAFCA sells, exchanges or disposes of the property that was given to SSCAFCA within two (2) years of the date that it was given, SSCAFCA must also submit a form to the IRS. Mr. Baird has indicated that he is going to track the properties to make sure that SSCAFCA doesn't do anything that affects that property that would force SSCAFCA to file a report.

Mr. Yarbrough asked if staff had received a response from Terry Iliff. Mr. Stoliker stated that SSCAFCA had received a response and that the letter on the exchange had been signed. He did not include this matter on the Agenda, as he was going to ask for an Executive Committee meeting to talk about the Iliff and Springer matters. That Executive Committee meeting will be held directly following this Board meeting.

ATTORNEY'S REPORT.

None.

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. May 18, 2006 Correspondence from Pulte Regarding Sportsplex Dam Infrastructure Plan Review Concurrence.
2. May 24, 2006 Letter to Community Sciences Regarding Entrada de Coronado Recorded Plat.

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- 3. Joint Groundbreaking Ceremony with Pulte for Sportsplex is Scheduled for June 18, 2006.
- 4. On June 6, 2006, SCAFCFA' s Office was used as a Voting Site for the Primary Election.
- 5. The following plat was signed by the Chairman for acceptance of a grant of easement for drainage:
 - a. Alegria at Santiago' s was signed on May 16, 2006.

The following infrastructure plans were signed by the Executive Director:


 - a. Hawk Site Tracts 33 & 34, Phase 1, 2, & 3, the Executive Director signed the mylars on May 18, 2006;
 - b. Cabazon-Astante Townhomes, the Executive Director signed the mylars on May 18, 2006.
- 6. June 9, 2006 Letter to Terry Iliff on Property Trade.
- 7. June 7, 2006 Letter from Community Sciences Regarding Additional Funding for Quality of Life Project.

OTHER BUSINESS.

None.

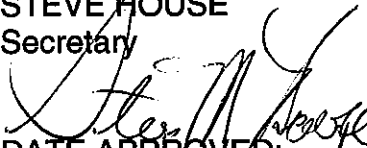
ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn. It was carried unanimously. Meeting adjourned at 10:30 a.m.



JOHN CHANEY
Chairman

STEVE HOUSE
Secretary



DATE APPROVED: 7/21/06