

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)**

**MINUTES OF FEBRUARY 16, 2007
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 9:00 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. 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. Chaney stated that he would like to move the Public Forum portion of the meeting under the Executive Director's Report. Mr. Stoliker stated that he would also like to delete H.3 on the Final Agenda, Action/Approval of Audit Report. It is not available for review at this time. Mr. Chaney asked that the agenda be approved as amended.

A motion was made by Steve House to approve the Agenda as changed. It was seconded by Donald Rudy 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. **Action/Acceptance of Tierra Del Sol Drainage Report and Easement.**

Mr. Stoliker stated that this area is west of Southern on Idalia, pretty close to Rainbow Tributary and Calabacillas. It consists of 17.6 acres. They are putting in drainage pipe to connect to an existing drainage pipe at Southern. Staff is pleased in that the pond meets with SSCAFCA's criteria. Staff is asking that the Board accept the drainage report and plan subject to approval by the City and that if the construction is not started within one year that the developer come back to the Board and ask for an extension. This is SSCAFCA's policy that has recently been implemented. Staff would like the Board to accept a grant of easement for operation and maintenance of one of the dams, which is Parcel A; authorize the Chairman to sign the plan; authorize the Executive

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

Director to sign the construction plans; and once the project is completed, that the developer come back to the Board and ask for SSCAFCA acceptance of the drainage infrastructure for operation and maintenance.

A motion was made by Mark Conkling to accept the Drainage Plan as presented, with the requirements set forth by SSCAFCA. It was seconded by Steve House and passed unanimously.

2. Action/Acceptance of Contract Renewals.

Without changes:

Surveying

ASTS
Huitt-Zollars
Community Sciences

Engineering

ASCG
Huitt-Zollars
Stantec

Appraisers

Real Estate Appraisal & Consulting
Shipman/Foley & Assoc.
Howden & Holzhauer, LLC

ROW Acquisition/Negotiation Services

Pinnacle Consulting

With Changes:

Surveying

Bohannon Huston

Engineering

Bohannon Huston

Accounting

Perry Baird

Mr. Stoliker stated that these contracts are set up to where they can be renewed each year for up to four years and then new RFPs have to be advertised. All of these contracts are annual extensions. Bohannon Huston has asked for a 2% increase in both the surveying and engineering portions of its contract. Mr. Baird would like a raise from \$60.00 to \$65.00 per hour. Mr. Baird works 15 hours per week and his work is outstanding. Staff is asking for approval of all of the above contracts.

A motion was made by Donald Rudy to approve the contracts up for renewal as presented. It was seconded by Mark Conkling and passed unanimously.

3. Review of Draft NPDES Notice of Intent and Storm Water Management Plan;

- Receipt of public comments regarding environmental issues;
- February 15, 2007 correspondence to Diane Smith USEPA request for Notice of Intent submission deadline extension;
- February 15, 2007 correspondence to Joel Lust U.S. Fish and Wildlife Service request for consultation for Endangered Species Act Eligibility Criteria.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

Mr. Stoliker stated that staff is in the process of getting the draft to the Fish & Wildlife Service, to EPA, and to NMED. This document is federally required and is on the agenda simply for public comments.

Mr. Chaney asked if the public would like to comment on this issue. No public comments were made.

4. Authorization to advertise Sediment Removal Phase 2 - Harvey Jones Channel and Venada Arroyo and others.

Mr. Dodge stated that this project is the remainder of a previous project at the Harvey Jones Inlet and Outfall, including Dams 1, 2, 3 and 4. The budget estimate for this project is \$800,000.00. Approximately 175,000 cubic yards of sediment is being removed.

A motion was made by Mark Conkling authorizing the advertisement of Sediment Removal Phase 2 as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Chaney asked if Mr. Stoliker had made any progress on approaching the City of Rio Rancho to revise their standards that permit wholesale grading of lots, which contributes greatly to the sediment and causes this damage every year. Mr. Stoliker stated that Mr. Foglesong has been tasked with reviewing the drainage policy, which would be the vehicle to address this issue. Mr. Foglesong is assisted by Mr. Fred Aguirre and has formed a committee including City personnel and they had their first meeting yesterday.

5. Authorization to advertise Dam 1 - Phase 1.

Mr. Dodge stated that this project is related to the flooding last year and there was quite a bit of erosion in Corrales and the Dam 1 area. This project will keep the water from going into Corrales. The estimate is \$200,000.00. This was a line item in the bond. This is construction primarily south of the outfall. There was some erosion on the north side. All of the project will be in Rio Rancho proper.

A motion was made by Mark Conkling authorizing the advertisement of Dam 1 - Phase 1 as presented. It was seconded by Donald Rudy and passed unanimously.

6. Authorization to advertise Rio Oso/Dulcelina Curtis Channel Improvements.

Mr. Dodge stated that this project is to drain the pond at the end of that roadway into the Dulcelina Curtis Channel. The storm drain is being constructed by the City. There is no outlet in the existing pond. This project is SSCAFCA's part of a project with the City. When the channel was built, there was a notch built into the channel for a future bridge. Last summer, the flow that came down Rio Oso washed across the channel and down into Corrales. That notch will be filled with a concrete wall to eliminate the uncontrolled flows.

A motion was made by Donald Rudy authorizing the advertisement of Rio Oso/Dulcelina Curtis Channel as presented. It was seconded by Steve House and passed unanimously.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

7. Action/Acceptance of task-order for Venada Arroyo Drainage Design Analysis & USACOE 404 Permit for \$44,700 with ASCG, Inc.

Mr. Dodge stated that this is a design task order for Venada Arroyo. The Corps of Engineers will require a permit and part of this task order is for that permit. The second part is to do a design analysis report all the way up to Lincoln Road primarily to protect the pipeline crossing and bank stabilization.

A motion was made by Steve House authorizing the task order as presented. It was seconded by Donald Rudy and passed unanimously.

8. Request for Special Board Meeting on Friday February 23rd at 9:00 to canvass bids for Sediment Removal Phase One and to discuss Wallen Park.

Mr. Stoliker stated that these projects timelines are tight in order to remove the sediment by this monsoon season. This request for a special Board meeting is to speed up the process. A special meeting was set for February 23, 2007 at 9:00 a.m.

PUBLIC FORUM.

Mr. Chaney stated that he would like to limit the public's discussion to five minutes per person.

Members of the public addressed the Board. Mr. Chaney stated that when you do paving and drainage at the same time, you can use the roads and the culverts to direct water so that the master plan gets better. Several members of the public discussed the SAD in Unit 17. Members of the Board discussed with them about their positions on the SAD. It appeared that these members of the public support the SAD.

It was the consensus of the Board that staff contact the City of Rio Rancho about the SAD issue in Unit 17.

ACTION/APPROVAL OF THE MINUTES OF:

1. DECEMBER 14, 2006;
2. DECEMBER 15, 2006;
3. JANUARY 2, 2007.

A motion was made by Donald Rudy to approve the minutes of December 14, 2006, December 15, 2006 and January 2, 2007 as presented. It was seconded by Mark Conkling and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR JANUARY 31, 2007.

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

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

one of the things they have decided to do is stop distributing a list of every check that is written. On the reports now, there is information on what is encumbered, as well as what is allocated.

1. Action/Acceptance of Resolution 2007-06, Budget Adjustment.

A motion was made by Donald Rudy to approve Resolution 2007-06, Budget Adjustment, as presented. It was seconded by Steve House. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; and Dub Yarbrough, yes. The motion carried 5-0.

2. Action/Acceptance of purchase of new copy machine.

Mr. Stoliker stated that the current copy machine is in pretty bad shape. Staff has looked at three different machines, Toshiba, Goestetner and Minolta. The costs range from about \$16,000.00 to \$37,000.00. The staff has picked the Toshiba machine costing just around \$16,000.00. Staff is asking for approval to buy a new copy machine. The old machine will be repaired and moved into another office to serve as a back-up. He does not know what the warranty on the machine is, but presumes there must be one.

A motion was made by Steve House to approve the purchase of the new copy machine as requested. It was seconded by Donald Rudy and passed unanimously.

3. Action/Approval of Audit Report.

This item was removed from the agenda above.

ATTORNEY'S REPORT.

Discussion of Release of Easement Along Loma Larga south of the Harvey Jones Channel for the Village of Corrales.

Mr. Metzgar stated that the Village had asked SSCAFCA to release an easement along Loma Larga on a portion of property where the Village is going in to start its project. The release can be done with no problem, but when it was brought to the Board before, under the terms of the MOU that was signed previously, the Village was supposed to build some ponds and that was the consideration for SSCAFCA releasing the easement. The Board had indicated before that staff should go back to the Village, have them build the ponds, and then SSCAFCA would release the easement. The Executive Committee had a meeting with the Village and the consensus of that meeting was that all of the ponds that SSCAFCA had indicated the Village should build are not necessary now because of some other flood control projects that have gone into place. The Mayor indicated that the Village would build any ponds that were necessary. The reason the Village wants the termination of easement now before any necessary ponds are built because the Village may lose funds for Loma Larga unless the project begins now. The Executive Committee recommends that the Board release the easement based on the Mayor's indication that the Village will build the necessary ponds. Mr. Metzgar stated that SSCAFCA has minutes of the meeting which show the Mayor's commitment that the ponds will be built. The Executive Committee was satisfied that the Village would keep its word.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

A motion was made by Donald Rudy to release and terminate the easement as discussed above. It was seconded by Mark Conkling and passed unanimously.

CHAIRMAN'S REPORT.

1. New Committee.

Mr. Chaney stated that the legislature is considering creating a new flood control authority, the Eastern Sandoval County Arroyo Flood Control Authority which would include Placitas, Bernalillo and Algodones. They may move on it rather quickly and he would like to have a committee to interface and provide information to that new Board. At the time the legislation is approved, he would like a committee composed of himself and Dub Yarbrough, with Mark Conkling as the alternate to interface with the new Board. The two persons involved in this committee have served on SCAFCA since its inception and would have the most knowledge with which to advise the new Board. The committee would not make any decisions, rather it would bring issues back to the Executive Committee, and if necessary, to the Board.

2. The Orchards.

Mr. Chaney stated that the problem with The Orchards has not been solved. The developer was required to put in a pond and did not. Mr. Metzgar stated that the Board determined previously that the entity that had the most power on this matter was the Town of Bernalillo because they had signed a development agreement with the developer which he understood stated that the developer had to comply with all flood control requirements issued by SCAFCA and the Town could possibly stop issuing building permits. SCAFCA can sue the developer itself, but that is a lengthy process and SCAFCA thought that it could be taken care of much quicker if the Town took action. For some reason, the Town doesn't seem to move on this. Mr. Perez, the Town's attorney, has indicated that he will send a letter to the developer with regard to its breach, but it has not been done yet.

BOARD OF DIRECTOR'S COMMENTS.

1. Update on Lobbying Efforts.

Mr. Rudy stated that a few weeks ago he visited the legislators in the area. Every one of them has signed off on getting SCAFCA into their allocated funds. They have not specified how much will go to SCAFCA. Neither the House nor the Senate have gotten together to see how big the budget is. He stated that he was in Santa Fe and attended the first of the hearing on the Eastern Sandoval County Arroyo Flood Control Authority. He stated that four people testified in favor of it and nobody against it. It has passed the first committee and the rest of the hearings are being scheduled for next week. Mr. Metzgar stated that in the House it was assigned to two committees and passed 10-0 in the first committee and is now going to the judiciary committee. In the Senate bill, it is assigned to three committees - conservation, judiciary and finance. No committee has met yet on the Senate bill.

2. Update on Boundary Expansion.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007

This matter was discussed above.

FOR YOUR INFORMATION.

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

1. The Sportsplex Dam project has received the 6th application for payment for \$152,724.59. This brings the total to date to \$2,101,716.40 which represents 46% of the total project cost. WE are 199 days (or 41%) into the project with a scheduled completion at 485 days.
2. An exit interview was conducted on Wednesday, January 24, 2007, drawing to a close submittal of all information regarding activities, expenditures, and projects associated with disaster declaration FEMA-1659-DR-NM. A total of eight (8) projects that included emergency measures and future permanent facility restoration, for a total amount of \$1,311,046.62, were submitted to FEMA. SSCAFCA is set to receive the first disbursement obligated by FEMA and the State of New Mexico, equaling 93 percent of \$12,697.97.
3. The application for reimbursement for the sanitary sewer line for the Sportsplex Dam project from the City of Rio Rancho for the amount of \$211,877.55 was filed with the City January 25, 2007. This was done per the JPA with the City signed February 10, 2006.
4. The NMED, Mr. Bret Lucas, conducted an EPA SWPPP inspection at the Sportsplex Dam project on January 18, 2007. There were no significant findings but a report will follow in 6-8 weeks.
5. January 19, 2007 newspaper article "Flood Bonds Start Paying for Projects".
6. January 2, 2007 Executive Committee Meeting Minutes.
7. January 8, 2007 Executive Committee Meeting Minutes.
8. January 22, 2007 Executive Committee Meeting Minutes.
9. January 26, 2007 Executive Committee Meeting Minutes.
10. January 29, 2007 Executive Committee Meeting Minutes.
11. The following plat was signed by the Chairman for acceptance of a grant of easement for drainage:
 - a. Hawksite, Tracts 33 & 34, was signed on January 29, 2007.

The following infrastructure plans were signed by the Executive Director:

- a. Loma Colorado Unit 3, 9.59 acres, 55 dwelling units; the Executive Director signed the mylars on January 8, 2007;
- b. Loma Colorado-Loma Vista Blvd.; the Executive Director signed the mylars on January 25, 2007.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 16, 2007


12. February 7, 2007 Budget Committee Meeting Minutes.
13. February 5, 2007 Executive Committee Meeting Minutes.
14. February 6, 2007 Executive Committee Meeting Minutes.
15. Village of Corrales Resolution 07-012 Supporting the legislation in the First Session, 48th Legislature of the State of New Mexico.
16. January 30, 2007 E-mail from Keith Sampson Regarding the Los Rios Subdivision.
17. January 13, 2007 Correspondence from the Department of Cultural Affairs Historic Preservation Division Regarding the Venada Arroyo West of Unser Boulevard.
18. Cover page for insurance handbook.
19. February 8, 2007 E-mail from Elaine Pacheco, OSE regarding boundary.
20. House Bill 978 – Construction and Operation of Dams.

OTHER BUSINESS.

None.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:43 a.m.



DONALD RUDY
Secretary



JOHN CHANEY
Chairman

DATE APPROVED: 4/20/07