

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JUNE 18, 2002
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 1:12 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, and Dub Yarbrough. Staff members present were David Stoliker, Executive Director, Bob Foglesong, Perry Baird, and Laura Davis. Bernard Metzgar, SSCAFCA's attorney and members of the public were also present.

Mr. Yarbrough informed everybody present that Guy McDowell passed away on June 5, 2002. He asked for a moment of silence for Mr. McDowell. He would like input on whether to send Mr. McDowell's name plate to his daughter in Ireland or to keep it in SSCAFCA's archives in its new building. Mr. Chaney proposed that a Scottish Pine be planted on the grounds with a memorial plaque for Mr. McDowell.

APPROVAL OF AGENDA.

Mr. Yarbrough stated that under Item X of the Agenda, he would like to add a number 4 for Discussion/Action regarding correspondence to the Village of Corrales on El Dorado de Corrales Subdivision. He also suggested moving the Closed Session up to number IX on the Agenda due to time concerns. Mr. Metzgar stated that the Closed Session should read "Discuss potential litigation concerning request for public records."

A motion was made by John Chaney to approve the Agenda with the recommended changes. It was seconded by Richard Deubel and passed unanimously.

CONSENT AGENDA.

1. Action/Approval of Minutes of May 21, 2002.

A motion was made by Mark Conkling to approve the minutes of May 21, 2002, as presented. It was seconded by Richard Deubel and passed unanimously.

2. Action/Approval for Treasurer' s Report for May 31, 2002.

June 6, 2002 letter from Francisco Vigil, Financial Coordinator with DFA granting interim approval of the interim operating budget for the 2002-2003 fiscal year.

Mr. Baird noted to the Board that Mr. Vigil stated his concern about the fact that SSCAFCA' s current revenues are lower than its current appropriations. The way the budget was balanced was using carryover balance from the prior year in the amount of about \$250,000.00.

A motion was made by Mark Conkling to approve the Treasurer' s Report dated 05/31/02 as presented. It was seconded by Richard Deubel and passed unanimously.

PUBLIC FORUM.

None.

CHAIRMAN' S REPORT.

Mr. Yarbrough stated that city councilor, Arturo Boniello, took issue with how SSCAFCA was financing its building. He has instructed David Stoliker to put together a packet showing where the money came from and how SSCAFCA is spending it. Mr. Deubel stated that there is nothing that prevents the Board from spending money for a building if it is deemed necessary.

BOARD OF DIRECTORS' COMMENTS.

1. Discussion of "How did Indian Bend Wash happen?".

Mr. Chaney stated that since SSCAFCA was formed, there have been discussions about a drainage project called Indian Bend Wash in Scottsdale, Arizona. It was a project where they coordinated the drainage structures to provide open space and parks throughout the town of Scottsdale as a joint flood control project with the city, county and state that created a marvelous park facility. There is a book on this project that he suggested the Board members review. He believes it is time to look at creating a similar type of public flood control project that creates a

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park-like environment in Sandoval County. He would like Mr. Stoliker to continue to pursue how that might occur.

Mr. Metzgar stated that the SSCAFCA statute allows cooperation with other governmental agencies or the private community. You only get into anti-donation if you give something without consideration to private individuals or companies. When it is a cooperative effort, it is not an issue.

Mr. Cliff Spirock stated that Community Sciences Corporation manager participated in the Indian Bend Wash Project and that he was the former planning director for the City of Phoenix. As a result, they have a great deal of technical records, as well as old legal opinions regarding this matter. He offered his time to the Board for information on it.

CLOSED SESSION.

A motion was made by John Chaney to go into closed session for the purpose of potential litigation concerning a request for public records. It was seconded by Richard Deubel. Roll call vote: John Chaney, yes; Mark Conkling, yes; Richard Deubel, yes; Dub Yarbrough, yes. The motion passed 4-0.

The Board went into closed session at 1:25 p.m.

RESUME OPEN SESSION.

A motion was made by Mark Conkling to resume open session. It was seconded by John Chaney and passed unanimously. The Board resumed open session at 1:55 p.m.

Mr. Yarbrough stated that the only matter discussed in the closed session was the potential litigation concerning the request for information and that no action was taken.

ATTORNEY' S REPORT.

Mr. Metzgar stated that there was no attorney' s report for this month.

EXECUTIVE DIRECTOR' S REPORT.

1. Action/Approval of Alternate 2 for the Venada Arroyo Watershed Management Plan Recommended by ASCG.

Mr. Stoliker stated that this management plan has been taken to all the entities involved, the Town of Bernalillo, the City of Rio Rancho, the neighborhood, the Village of Corrales. He believes that there is unanimous recommendation for Alternate 2. He stated that they are looking to get selection and approval of an alternate so the report can be finished and brought back for final approval.

Mr. Pierce Runnels of ASCG stated that they brought three options to the Board in April for providing the detention upstream of 528 in the Venada Arroyo Watershed. The first two options were to put a large dam on the main stem of the arroyo. The third alternative, Alternate 2, would put two smaller dams on each of the large tributaries in the watershed. By doing that, the flows would be reduced in the main stem of the arroyo. Alternate 2 costs less and requires less right of way. This alternative is safer because the flow rate is about half at the lower end of the main stem. It is also conducive to having a naturalistic conveyance because the flow rates are less. That spins off more potential for multi-use. In addition, in this alternate, there are three dams instead of two and the water quality facilities upstream are spread out. All the options included a trail from 528 up to Unser. Alternate 2 is more environmentally friendly in that the flow rates are less, the flow rate out of the two dams are low, which allows more recharge. The other public entities that were approached liked Alternate 2 the best.

A study was brought up and considered to enlarge the crossing at 528 in conjunction with the State Highway Department project and increasing the flow under the highway and reworking the Lower Venada Channel. They didn't analyze it numerically. Three things would have to be done to make this consideration work. One is that the boxes underneath 528 would have to be enlarged; they would have to hard-line or otherwise improve the channel between 528 and the river; and there is also a section of channel called the Middle Venada upstream that would also require right of way based on its capacity of 3100 cfs. Mr. Runnels has not calculated costs for enlarging the boxes.

Mr. Stoliker stated that the study shows that by reducing the flow rate in the main stem, it reduces the overall costs. The connection can then be made that increasing the flow under NM 528 would increase the cost and was not pursued further. He stated that the Board has previously agreed to the constriction of 3,100 cfs at NM 528 and that the downstream facilities, also built to pass 31 cfs, should not be altered. Alternate 2 is the most cost-effective use and is the best for water

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quality. Mr. Runnels stated that they found when they reduced the flow from 6,000 cfs to 3,100 cfs; the cost went from about \$48 million to \$28 million. If the constriction is enlarged and the water is allowed to "rip" all the way to the river, it will cost more.

A motion was made by John Chaney to approve Alternate 2 for the Venada Arroyo Watershed Management Plan as presented. It was seconded by Mark Conkling and passed unanimously.

Mr. Stoliker stated that there is a second part to this issue. That is that staff and the consultants, Mr. Dodge and Mr. Runnels would like to have a discussion about lateral erosion envelopes, which are to be part of the implementation process. No action is needed today, only discussion. The idea is that it will take many years to build out the complete project. In the interim period before the ultimate development, we have concerns about protecting private property owners from flooding if they build close to the arroyo.

Mr. Dodge stated that the concern on all of the watershed management plans is that it will be many years before they are implemented and the channels are stabilized. In the meantime, they will continue to meander. The way to approach these matters is to identify a line outside of which it is prudent to build or "prudent line". They are calling it the lateral erosion envelope because prudent line carries some specific technical methodology that they are not proposing. The idea is to establish an envelope in which the arroyo could be expected to meander. If a property owner wanted to build within the envelope, they would be required to protect their property as part of the construction, very similar to the way they would have to protect their property if they were to build in a flood plain. If they build outside the envelope, that would be public responsibility.

Mr. Yarbrough stated that all the property in Rio Rancho has been platted to where the arroyo is. He wondered if it meanders out of the original plat lines, through no fault of a private property owner, onto his property, who should be responsible for that scenario. Mr. Dodge stated that, as he understands the plats in the Black Arroyo, there is almost no area platted or unplatted for the arroyo. No area was set aside for the arroyo. In the Venada, there are some areas where there is unplatted property.

Mr. Stoliker stated that as part of the lateral erosion envelope process, a lower flow limit must be set below which no protection is needed or afforded. Staff and the

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consultants believe that 120 cfs is the amount of flow in a 100 year event for fully developed conditions. Staff thinks a property owner on a one acre lot cannot handle this flow by himself. It is staff's desire that this issue and other needed to implement the watershed plan's currently being developed by SSCAFCA be addressed. Staff is planning for Mr. Stone do this when he does the Lomitas Negras overlay zone. As part of that project, he will take the implementation concepts through with staff and all the engineers. The basic concept should be to warn people about building within an identified area surrounding each arroyo that is suspect for flooding.

Mr. Metzgar stated that a public flood control agency has the ability to pass certain regulations in order to protect the public and it may be a burden on the property owner to not go into these areas. However, they have to be reasonable. There may be a method of at least warning a person of the problems, kind of like a flood plain warning. As title to the property passed from one owner to another, the buyers would be warned that they were in the zone. SSCAFCA would not need to continue to notify owners of the problem if the area is picked up as a zone because the title policy will show it. Mr. Chaney stated that if it was marked as an easement, SSCAFCA would have to pay for it. The long term impact of that could possibly create an opportunity for parks and recreation and open space.

Mr. Stoliker stated that if the policy is set up correctly, say with a replat, SSCAFCA should be able to get an easement at no cost so long as a plan is set up and approved by the Board. Mr. Yarbrough asked what might happen if the arroyo eventually meanders into a property right now. Mr. Dodge stated that would have to be addressed in the final policy. The property owner would have to protect his property from any erosion of the arroyo. SSCAFCA cannot condemn all the property that might be needed to allow for meandering. Rather, it can allow property owners to build and pay for flood insurance.

Mr. Stone stated that the methodology behind the lateral envelope erosion limit was developed in New Mexico about 40 years ago after arroyos all over the state were studied and it was found how they meandered over time. They developed equations to try to mimic the erosion of the arroyo back and forth. The concept is well founded in several studies. The application of the concept is the challenge.

Mr. Stoliker stated that the City currently enforces ordinances for the protection of homes. The City has the mechanism in place to do it and seems the

logical choice. SSCAFCA would not need to enforce the protection, rather it needs to establish the policy and work with the City to enforce it.

2. Update of Library Pond.

Mr. Dodge stated that the Highway Department plan for the library pond being built as part of the NM 528 project consists of a large rectangular pond. A free form pond takes up more surface area, but it has more interesting features within it. Everybody liked the free form changes. The area is intended to be a passive, tranquil area. It is not intended to be an active play area. The idea behind concept C is to have some outcropping that stick into the pond. The slopes will be bearing slopes. There are some hills inside the pond. From a use point of view, the library specifically requested an amphitheater to do kids' shows, etc. The amphitheater is down inside the pond. The slope of the pond is the seating area. The walkway is down below the top of the pond to minimize sighting into back yards which are adjacent to the library. There would be about sixty trees on the property. The landscape would include all native vegetation and use of boulders. The walkways are all crusher fines.

The project is on a fast track. They are trying to submit the grading plan to the highway department for this facility to put into their package for design/build competition by July 18, 2002. The pond will not be built right away, but the purpose is to make sure that the plan is in place.

General discussion occurred with consensus to continue the work and bring it back to the Board for approval in July.

3. Action/Approval of Wilson & Co. Task Order for Lomitas Negras Right of Way Acquisition and Final Design.

Mr. Stoliker stated that Wilson & Company has requested a task order for Lomitas Negras right of way acquisition and final design as per the approved preliminary FY 03budget. The City has started construction on the sewer line and will be done with it within 60 days. SSCAFCA is following up with a design to do the first part of the drainage design on the Lomitas Negras Arroyo from 528 to Saratoga. This is approval of a task order for \$75,000.00 for that project.

Dan Aguirre stated that stopping at Saratoga was the first phase and it got past the school at the lower end that is having the immediate problem. It also takes the project to the road crossing, which is being designed as part of this project.

A motion was made by Mark Conkling to approve the Wilson & Company task order for Lomitas Negras right of way acquisition and final design for \$75,000.00 as presented. It was seconded by John Chaney and approved unanimously.

4. Discussion/Action Regarding Correspondence to the Village of Corrales on El Dorado de Corrales Subdivision.

Mr. Stoliker stated that this issue was added as an emergency yesterday. What has happened is that a request was received from a developer with an urgent need to do something on this project right now. He stated that he might lose his land contract if he can't start construction. Mr. Stoliker stated that the Village of Corrales does not require the grading and drainage plan prior to preliminary plat approval. Mr. Stoliker is asking that the Village allow the developer to go through preliminary plat approval, so long as the staff has the ability, and the Board gets the ability after preliminary plat, to hear about this subdivision and approve it. Mr. Stoliker read the letter he was sending to the Village since this agenda item was added so late.

The letter states that the technical conditions are that SSCAFCA wants technical approval by staff and Board approval of the bridge crossing and the drainage management plan. Mr. Yarbrough stated that the last time Mr. Spirock was here, there was some concern about the distance from the channel wall to the support for the bridge. After discussions with SSCAFCA staff, Mr. Spirock has agreed to go at least ten feet from the channel wall to the support for the bridge. The only thing that concerns them is the issue of the removal of a grant of a drainage easement. Mr. Spirock stated that they had proposed the drainage easement, since the drainage ponds in the subdivision were an integral part of drainage management that they be allowed to grant SSCAFCA the right, but not the obligation, to enter onto private property to do what it needed on the ponds. Mr. Stoliker stated that he and Mr. Foglesong believe that the property owners will let the ponds degrade over time and they won't be viable. It is a Village of Corrales issue rather than a SSCAFCA issue. Mr. Metzgar stated that if the easement says that SSCAFCA and the Village may maintain the ponds, the Village will take the position that SSCAFCA should maintain them. He stated that SSCAFCA does not want to get into that position.

Mr. Bob Borman, who resides in the Village of Corrales, stated that he is concerned not with what the letter says, but with what it doesn't say. He stated that he believes there should be another condition on the bridge that requires that the license agreement between SSCAFCA and the Village of Corrales be duly executed.

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This will be the first publicly dedicated access from the rest of the Village to the isolated portion of the Village. As far as the drainage issues themselves, the letter focuses on one of three components of the drainage plan, in addition to there being on-site ponding, there is also cross-lot drainage and drainage from the dedicated public right of way onto private individual saleable lots. The issue that is addressed here is the most benign of the three components. He does not have an opposing view to the on-site ponding. He is troubled by the cross-lot drainage. There is information in the application that indicates that water will drain from pond back to the easement to another pond on another lot. He is concerned about the water flowing from the publicly dedicated right of way draining into the private easements onto private property. He suggests that there should be additional language to address these issues. Mr. Borman also stated that the topographic map troubles him because the topography is quite old and does not reflect the topography of the land since the construction of the Harvey Jones and Dulcelina Curtis Channels. This is important because a lay person is not going to understand the significance of what happens at the boundary of the private property and the SSCAFCA property.

Mr. Yarbrough stated that Mr. Stoliker look into Mr. Borman's concerns and try to address them. Mr. Stoliker stated that he made a list as Mr. Borman was speaking and he will address them. Mr. Yarbrough stated that he is not open to fixing a problem that the Village creates for itself again.

Mr. Spirock stated that since the time the original application was made they have received comments from the Village Engineer. They are prepared to stipulate at tomorrow's hearing to a wider right of way, no adjacent easement, and no cross lot drainage.

FOR BOARD INFORMATION:

1. On June 5, 2002, Board member, Mr. Guy McDowell passed away in his sleep. A small service was held in the orchard at the McDowell home on East Ella Drive in Corrales on Thursday, June 13, 2002.

This information was shared by Mr. Yarbrough earlier.

2. Harvey Jones Channel Sediment Removal Update.
ASTS Task Order for Surveying.

Mr. Stoliker stated that this is contained in the Board's packets.

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3. Six Month Plan of Staff Tasks, June through December.

Mr. Stoliker stated that the staff has a five year plan and is developing six month plans for implementation. They are also trying to come up with a process to assign task orders to budget the plan, assign people and staff time for it. They have split tasks out into the different watersheds. This is a planning and focus tool for staff to use.

4. Discussion of the Ribbon Cutting, Time Capsule Installation and Dedication of the New SSCAFCA Office Building and Funding.

Mr. Stoliker stated that a spot could be made in the building for all the different jurisdictions and the Board members to put something in that they would like. It could then be sealed up with a note on the top saying when to open it. General consensus was given to proceed with the time capsule.

Laura Davis stated that she has looked into the cost of having food at an open house in December and having cups, pins or glassware made with SSCAFCA's logo on them. They are very early in the planning stage. Mr. Metzgar stated that money can be spent reasonably for a public dedication of the building.

A motion was made by Mark Conkling to allow Laura to proceed with a public dedication with up to a \$3,000.00 budget. It was seconded by Richard Deubel and passed unanimously.

5. May 22, 2002 Executive Standing Committee Meeting Minutes.

Mr. Stoliker stated that these are contained in the Board's packets.

6. May 20, 2002 Correspondence from Dan Aguirre; Review of Unit 17 Sanitary Sewer Interceptor/Lift Station.

Mr. Stoliker stated that this is contained in the Board's packets.

7. SSCAFCA Building Update.

- i) Payment #2 of \$125,478.73;
- ii) Change Order Requested, \$2,648.00;
- iii) May 30, 2002 Monthly Meeting Minutes

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Mr. Stoliker stated that this is contained in the Board's packets. Mr. Yarbrough stated that the change order was originally for \$4,148.00, but that SSCAFCA was given credit for \$1,500.00 for the building permit that it paid. He stated that the contractor should justify the costs associated with this task order.

8. June 4, 2002 Correspondence from Andrew J. Rosenau, Corps of Engineers to Bill Joiner.

Mr. Stoliker stated that this is contained in the Board's packets. He stated that the Corps is getting tougher with how they do business. Mr. Eddie Paulsgrove, of the Corps of Engineers, stated that Mr. Joiner has had fill placed within what is an existing designated flood plain in the unnamed arroyo. Based on that fact, the Corps has worked with Mr. Joiner to try to get specific components of the fill removed such as concrete and asphalt debris which can impede flow. Actual conditions, according to FEMA, indicate that the upper end of the watershed at about a mile west of 528 is a water surface elevation increase of a little over 7 feet with regard to a new flood plain. FEMA is not going to develop a new insurance map until the Enchanted Hills project is completed. He does not know if SSCAFCA has anticipated the data with regard to the change in flood plain elevations when discussing how to manage the water flow in these areas.

Mr. Paulsgrove stated that the Corps, instead of being called out to fix violations because local entities don't feel it would be politically correct for them to do that, will take the position that they will help the local entities enforce the ordinances they have in place. The Corps will be much more strict in its approach to enforcement and also much more willing to help in the permitting process.

Mr. Deubel stated that any Corps of Engineer concerns should be addressed by the contractors that are hired by SSCAFCA. Mr. Deubel stated that the Corps has a permitting process and it is on the developer's shoulders to get the 404 permit.

9. May 28, 2002 Correspondence from Brian Schram, of Rinker Materials, to David Stoliker.

Mr. Stoliker stated that this is contained in the Board's packets.

10. 2002 Bond Election Brochure – Notice of Election.

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Mr. Stoliker stated that this draft is contained in the Board's packets. Staff would like the board members to provide comments at their convenience. Mr. Metzgar stated that the bond question must be exactly like it will appear on the ballot. Mr. Metzgar stated that any changes that are made to the brochure need to be run by Mr. Strumor because he is bond counsel and SSCAFCA does not want to take the chance on having the election thrown out because something is done wrong. General consensus approved that draft with a brief synopsis of the bond question, if approved by Mr. Strumor.

It would cost approximately \$6,000.00 to produce the brochure to mail to every constituent of SSCAFCA, but it would cost approximately \$500.00 for one advertisement in the paper. General consensus was to mail the brochure to all registered voters in the jurisdiction. Staff was directed to do it.


- 11. We welcome Pam McGrath back to work after 12 weeks of medical leave and wish her a complete recovery.

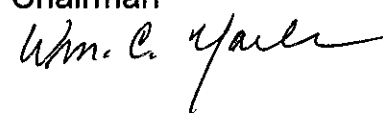
OTHER BUSINESS.

Mr. Yarbrough stated that Tony Popper has about 80 names on his petition for the vacancy on the Board. He does not know if anyone else is seeking names for a petition.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:50 p.m.


RICHARD DEUBEL
Secretary

WM. C. YARBROUGH
Chairman


DATE APPROVED: *July 16, 2002*