

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 18, 2005
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

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

ROLL CALL OF DIRECTORS.

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

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

EXECUTIVE DIRECTOR'S REPORT.

1. Action/Acceptance of Task Orders from:
 - a. Bohannon-Huston, Inc. - Sportsplex Detention Dam;

Mr. Stoliker stated that the cost for this task order is \$912,134.00 for engineering fees for this project. Mr. Howard Stone, of Bohannon-Huston, stated that the first number in the proposal is the construction cost estimate of \$3,650,000.00, which was their estimate from last year in a feasibility report of the dam. The basic engineering fees include a design fee of \$211,000.00; an advertising award of \$10,000.00; construction inspection for \$219,000.00; materials testing for \$73,000.00; and construction survey for \$73,000.00, for a total of almost \$600,000.00 for the basic services for the dam. These are all T & M numbers, so they won't be billed to SSCAFCA if not needed. The special service numbers include mapping and surveying for \$24,000.00; the SWIP, which is the NPDES requirement for protection during construction of any sediment coming off the site, of

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\$4,000.00; a 404 permit as required by the Corps of Engineers since the work is being done in the bottom of an arroyo. The 404 permit preparation is \$7,500.00; the endangered species survey, and the archaeological review of the site is required for the Corps of Engineers. The geotechnical investigation is \$32,000.00. The next two are requirements by the State Engineer's office for all new dams, it consists of an operations and maintenance manual and emergency action plan and are estimated at \$50,000.00. They are also proposing doing a video of the project development process to give the public an idea of the whole procedure and mainly for presentation to public officials. They will go to the public at least twice in this project to allow input into the process. He stated that the next cost is landscaping at \$123,000.00. The landscaping will be a cooperative effort between SSCAFCA and the City of Rio Rancho, along with Pulte Homes, who treats this as a gateway to their proposed development. The total of the additional special services is \$268,000.00, for a total of \$854,000.00, plus gross receipts tax.

Mr. Yarbrough asked about the City and the developer wanting a road across the top of the dam. Mr. Stone stated that it is not a done deal, but from their initial look at the project, they think they will need a second access point to the development. This would be a good place to put it. The plan incorporates a subgrade for the road. The actual road itself will be designed by someone else who would pay for those costs separately.

Mr. Stone stated that the Emergency Action Plan shown in the summary is where they have to analyze the dam for a potential breach where failure of the dam is assumed. They then do a study of how much that flow could impact properties downstream. The State wants to know what the impacts would be should that occur. Mr. Stoliker stated that the State Engineer requires the Emergency Action Plan and one of the stipulations is that they assume that everything is full of water, plus you have a probable maximum flood. Mr. Stone stated that the probable maximum flood event is about 160,000 cfs. This is equal to the average flow of the Mississippi River. This is a very extreme condition.

Mr. Stone stated that geotechnical testing is the investigation they do with a geotechnical firm prior to design so they have an idea of what the subsurface conditions are; materials testing is during construction where they test the material at that time. He stated that only a portion of the first bond issue will be assigned to this project. They have talked to the developer about a joint project where the developer will front the project and then will be reimbursed their costs up to a negotiated amount when the second release of the bonds comes through. Mr. Stoliker stated that in their discussions they have talked about costs of \$2 million that would be added to the bond money and which would be fronted by the developer. He stated that to build the whole project, it will cost around \$6 million if it is to be done correctly.

Mr. Chaney asked if it would make sense to negotiate with the developer prior to approving this task order, which might increase SSCAFCA's leverage. Mr. Rudy stated that if SSCAFCA doesn't approve this, then the developer is totally at risk with respect to

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his necessary second access. Mr. Stoliker stated that they were interested in approaching this in a cooperative effort. Mr. Rudy stated that SSCAFCA can't give more than provisional approval to this based on the fact that they will have to come back with a major redesign. Mr. Stone stated that if SSCAFCA was not building the dam, the developer would have a significant expense to put in a roadway across the structure. By SSCAFCA putting a dam in the same place is a boon to the developer and encourages a cooperative effort. He stated that at some point they will have to do some preliminary investigation to get a better idea of what to do in that area. If this is not approved now, his schedule will slip by a month or two. He would not be able to meet the schedule shown if this is delayed for another month.

Mr. Yarbrough stated that the City and the developer have not come to terms on their agreement. He stated that SSCAFCA decided, with its drainage study on this arroyo, that this is the place to build the dam. Mr. Rudy stated that SSCAFCA should be able to do a conceptual/preliminary/contingent approval on this in order to keep it moving forward without casting SSCAFCA into a commitment. Mr. Chaney stated that an idea would be to divide this matter into preliminary and final approval where preliminary approval would deal with all the design conditions, etc., and final approval would come after SSCAFCA knows the full scope of the work. Mr. Rudy stated that the onus should be on the developer to do the analyses and the cost studies that are required.

Mr. Stone stated that they could begin with the initial parts of the project, which includes the design, mapping and surveying. This is fine with them. Mr. Stoliker stated that Bohannon-Huston is the contractor for engineering for both the developer and SSCAFCA. This could raise a conflict of interest. In case there is a conflict, then Clint Dodge, of ASCG, will step in and help SSCAFCA with regard to this project. Mr. Metzgar stated that if a conflict arose, this Board and staff would have to deal with it in whatever manner would be necessary.

A motion was made by Donald Rudy to approve the task order on the preliminary parts. It was seconded by Dub Yarbrough and passed unanimously.

b. ASCG, Inc. - Sugar Dam and Sportsplex Dam Review;

Mr. Stoliker stated that the Sportsplex Dam Review task order is \$53,000.00. He stated that Clint Dodge has designed or rehabilitated every dam SSCAFCA has. He plans to use Mr. Dodge for value engineering and quality assurance.

A motion was made by Mark Conkling to approve the Sportsplex Dam Review task order as presented. It was seconded by Donald Rudy and passed unanimously.

Mr. Clint Dodge stated that the Sugar Dam is a small detention basin at the corner of Idalia and 10th Street. The Sugar Dam is at the south end of a small proposed

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subdivision by Wallen Builders and they need fill dirt. The idea is to sell Wallen Builders the dirt from the dam and design the grading plan so that they can take the dirt out the way SSCAFCA wants it done. Part of this is not only to design the dam itself, but the outfall for the facility. They will build the outfall, which is a short piece of storm drain and the outfall structure itself, with a water quality component as part of the design, and then to go to construction concurrent with Wallen Builders taking out the dirt. The task order is for \$37,000.00. Mr. Rudy asked if the \$37,000.00 will get the engineering and design work done for the Sugar Dam.

Mr. Dodge stated that the way the task order is set up is with the assumption that the actual earthwork part of the project will be done by Wallen Builders. The actual construction is not in this task order and it would depend on how the mechanics of all of it worked out, which would be part of the Wallen agreement, and other things that will have to be determined as this project moves along. Mr. Stoliker stated that Wallen Builders will benefit because he will be able to get dirt out of the footprint, but the dam also benefits the public by taking care of the possible flooding problem. Mr. Metzgar stated that SSCAFCA would not be able to do what is anticipated under this proposed agreement if it did not benefit the general public.

Mr. Stoliker stated that SSCAFCA put \$1.5 million into the Lisbon Dam Site when figuring the budget for the bonds. SSCAFCA may be able to get the Sugar Dam, the Sunset Dam, and the Lisbon Dam done for this amount.

A motion was made by Dub Yarbrough to approve the Sugar Dam task order as presented. It was seconded by Donald Rudy and passed unanimously.

c. Huitt-Zollars, Inc. - Saratoga Road Box Culvert Crossing and Obregon Road Storm Drain.

Mr. Stoliker stated that this matter is another project in which money was to be used from the bond election. Huitt-Zollars has done the design on the Obregon Road improvements. The Saratoga Road improvements were originally done by Wilson & Co., but SSCAFCA didn't have enough money to construct them. Mr. Kemper, of Huitt-Zollars, is willing to take on the task of doing some redesign work to get both these projects constructed this year. These projects could be a partnership among four entities, the City of Rio Rancho, the Rio Rancho School system, SSCAFCA, and the County of Sandoval.

Mr. Kim Kemper stated that the Obregon project was almost 90% complete and it was put on the shelf due to lack of funding to build it. Sandoval County has in their 2006 cooperative program a project to pave Saratoga Road. The channel design originally done by Wilson & Co. included the channel construction all the way from Saratoga to 528 and had a \$2 million price tag. Some utility lines will need to be relocated for the project. The whole project could be completed by June or July of this year. Part of the task order does

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include the 402 and 404 services. This task order expands the scope of the original agreement to include both projects.

Mr. Stoliker stated that SSCAFCA is taking the lead to get this project designed. The County will then bid the paving on Saratoga Road after SSCAFCA has completed its project. It is believed that the City can't fund the paving until July 1, 2005 because of their fiscal year, but they want to be ready to go on that date.

A motion was made by Donald Rudy to approve the Saratoga Road box culvert crossing and Obregon Road storm drain task order as presented. It was seconded by Steven House and passed unanimously.

2. Action/Acceptance of Black Arroyo Watershed Right-of-Way.

Mr. Stoliker stated that SSCAFCA had contracted with Huitt-Zollars to look at its Master Plans and other documents and to pull all the information together to identify the right-of-way that SSCAFCA needs in each watershed in order to build all the dam sites, and to identify any lot affected by any floodway. In the Black Arroyo Watershed, there are 453 lots affected by the floodway and needed to complete the Watershed Management Plan. The idea of this review is to find out what property SSCAFCA needs to get control over. This information will be shared with the City of Rio Rancho so that they can identify those lots in case someone wants to build on them. He stated that he wants to do the same thing with AMREP to help identify the areas that AMREP owns.

Mr. Kemper stated that the flood boundaries have been determined from the map that is available. The LEE lines have not been calculated and are, in some cases, considerably wider. The LEE calculation for what has been prepared here is a phenomenal task.

Mr. Kemper stated that there are three conditions. One is where the flood plain actually impacts the lot. Second, there are water courses through the City within its jurisdiction that aren't identified as flood plains, where there are significant flows. The third is the LEE line and what can be achieved going beyond that.

A motion was made by Donald Rudy to accept the Black Arroyo Watershed Right-of-Way report as presented. It was seconded by Dub Yarbrough and passed unanimously.

3. Review/Discussion of Draft Agreement with Gary Wallen on Sugar Dam.

Mr. Stoliker stated that he would like to get a committee designated to go through the draft Wallen agreement in depth. He could then sit down with Mr. Wallen and go over the proposed agreement with him. There are questions that he has with regard to the draft agreement that he wants to work through with the committee. Mr. Metzgar stated that the

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problem he would have in trying to draft such an agreement would be that there are concepts that still need to be worked through.

It was decided that the Executive Committee would meet on March 28, 2005 at 9:30 a.m. to discuss this issue.

4. Request to have a Drainage Policy Evaluation Work Study Session on April 1, 2005 at 9:00 a.m. to discuss the Drainage Policy Evaluation Plan.

Mr. Stoliker stated that they are looking to have a work study on this issue on April 1, 2005 at 9:00 a.m. Mr. Dodge stated that ASCG was asked to look at different options to address two perceived problems – the first was runoff control from single lot development, and the second was perceived funding inequities with regard to developers and single lot owners. They looked at eight or nine alternatives in conjunction with the staff. The work study would go through these alternatives in detail and look at the pros and cons. The City will be invited to this work study session and it will be published as a special meeting. The Board agreed to the meeting date and time.

5. Action/Acceptance of GASB Procedures for Tracking Assets.

Mr. Stoliker stated that as part of SSCAFCA implementing the Governmental Accounting Standards Board statement number 34 last year, one of the things the auditor said was that SSCAFCA needed to have its procedures written down and accepted. Perry Baird stated that these procedures would identify what would become infrastructure or land assets on SSCAFCA's books. This will allow the accounting system to track costs that will accumulate to reach the total cost of assets. Mr. Stoliker stated that it is set up so that it will assign a unique identifier for each asset early in the process. It identifies how to track the asset, what SSCAFCA will do with respect to issuing task orders, how SSCAFCA will track all the costs associated with that particular asset, construction costs, etc. Infrastructure is one type of asset and right-of-way and easements (land) is another type of asset.

Mr. Baird stated that land is not depreciable and must be recorded separately in the books and financial statements. A GASB asset is anything that is \$1,000.00 or more in cost or value and has a useful life extending beyond one year. This includes all of SSCAFCA's equipment, vehicles, and the building. Now, because of GASB 34, all of the infrastructure that SSCAFCA has been given or that SSCAFCA has built must be included in the report.

A motion was made by Mark Conkling to accept the GASB procedures for tracking assets as presented. It was seconded by Donald Rudy and passed unanimously.

6. Action/Acceptance of the 2004 Annual Report.

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Mr. Stoliker stated that the annual report was presented at last month's meeting and staff is looking for acceptance. He stated that the report contains a lot of information that had not been included in the past which will make it easy for Board members to find when they are speaking with their constituents about SSCAFCA. He stated that it does appear that SSCAFCA has a different weather system than Albuquerque. Rio Rancho's rainfall is 30% to 40% more than at the Albuquerque Airport. He wants to make sure that SSCAFCA is sizing its facilities correctly, but he believes that SSCAFCA is sizing correctly because every structure works great. There have been no failures of a SSCAFCA structure since they were revamped.

Mr. Stoliker stated that once the report is accepted, a copy will be sent out to all the different agencies that SSCAFCA deals with, all the commissioners, all the counselors, and all the legislators. They will also be available to the public. Dr. Rudy asked to have a copy of the annual report placed in the libraries within SSCAFCA's jurisdiction.

A motion was made by John Chaney to accept the 2004 Annual Report as presented. It was seconded by Steve House and passed unanimously.

7. Request for Selection Committee Members to Review Submittal of Right-of-Way Acquisition/Negotiation Services RFP 2005-01.

Mr. Stoliker stated that the right-of-way acquisition services responses have not been opened yet. Mr. Metzgar stated that to acquire right-of-way from property owners, you have to follow certain procedures. SSCAFCA does not have enough staff to go through these procedures so it was thought that SSCAFCA could hire an on-call right-of-way person or company. The RFP went out and SSCAFCA has received three responses. It is now time for a Selection Committee to meet. The Board can always have someone on the Selection Committee. Steve House and Dub Yarbrough agreed to sit on the Selection Committee.

8. Action/Acceptance of the NPDES Annual Report.
a. Public Comments Regarding Environmental Issues.

Mr. Stoliker stated that SSCAFCA must submit an NPDES Storm Water report to EPA annually informing them of progress made on its permit requirements. The report has been prepared and is very similar to what was done last year. SSCAFCA is on track with its requirements as identified in the permit. SSCAFCA also is supposed to allow comments from the public annually regarding any environmental issues. No comments were received.

A motion was made by Mark Conkling to accept the NPDES annual report and to submit it to EPA, as presented. It was seconded by Donald Rudy and passed unanimously.

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9. Update on House Bill 591 Defining SSCAFCA 's Boundary.

Mr. Stoliker reported that the bill has passed the Legislature and is waiting for the Governor 's signature. He urged all Board members to call the Governor 's office in support of the bill.

10. AMREP Donation. A tax form had been sent to SSCAFCA from AMREP regarding a previous land donation. The Chairman needs to sign the form. No negative comments were received from the Board, so the form was signed and will be sent to AMREP.

CONSENT AGENDA.

1. Action/Approval of the Minutes of February 18, 2005.

A motion was made by Mark Conkling to approve the minutes of the February 18, 2005 regular Meeting as presented. It was seconded by Donald Rudy and passed unanimously.

RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER 'S REPORTS FOR FEBRUARY 28, 2005.

A motion was made by Donald Rudy to accept the treasurer 's report for February 28, 2005 as presented. It was seconded by Steve House and passed unanimously.

REVIEW/DISCUSSION OF THE DRAFT PRELIMINARY FISCAL YEAR 2006 BUDGET.

None.

CHAIRMAN 'S REPORT. None.

BOARD OF DIRECTORS ' COMMENTS. None.

ATTORNEY 'S REPORT. None.

PUBLIC FORUM. None.

FOR BOARD INFORMATION,

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

1. February 14, 2005 Correspondence to Ronald Bohannan regarding the Orchards.
2. February 24, 2005 Correspondence to Senators Cisneros and McSorley Regarding House Bill 591.
3. Clearing of non-native species in Rio Rancho Open Space Bosque ran from 02/01/05 to 03/01/05.
4. The annual READS Breakfast will be held at our office on Saturday, April 9, 2005 at 8:30 a.m.
5. Participation in Keep Rio Rancho Beautiful on February 19, 2005.
6. February 18, 2005 letter from Community Sciences regarding the Proposed Approach/Work Scope for the Joint Use Master Plan.
7. The First Amendment to Real Estate Purchase Agreement for Tierra de Corrales was signed on March 4, 2005.
8. The Following Infrastructure Plans and Plats were signed by the Executive Director:
 - a. Cabazon-14th Street Bridge Construction Plans; the Executive Engineer signed the construction plans on February 16, 2005
 - b. Unser Marketplace Summary Plat was signed by the Executive Director on February 14, 2005;
 - c. Cabazon-Trailside Road Phase II, the Executive Director signed the construction plans on February 17, 2005.

The Following Developments/Construction Plans were received for Review and Comments provided to the Consultant:

- a. Cabazon-Water Quality Facility @ Black Dam; comments were provided to the consultant on February 22, 2005.
 - b. Northern Village, located north of North Hills and west of the Montoyas Arroyo; proposed subdivision comprises approximately 9.36 acres, 24 dwelling units, with an approximate discharge of 10 cfs. Comments were provided to the consultant on March 2, 2005.
9. Right-of-Way Update: Tierra de Corrales and lots 6A, 7 & 8, the Dr. Gross property, were deferred by DFA on March 8, 2005.

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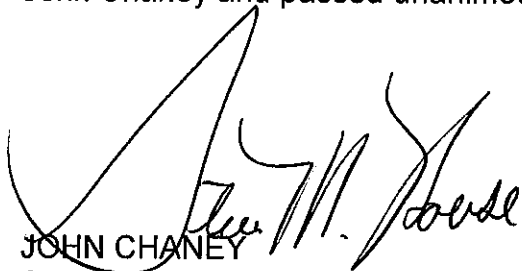
10. March 16, 2005 Fire Marshall Inspection requires drop ceiling in maintenance closets.

OTHER BUSINESS.

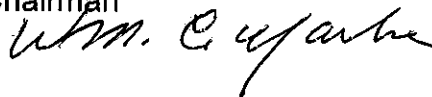
None.

ADJOURNMENT.

A motion was made by Dub Yarbrough to adjourn the meeting. It was seconded by John Chaney and passed unanimously. The meeting was adjourned at 11:03 a.m.


JOHN CHANEY
Secretary

WM. C. YARBROUGH
Chairman



DATE APPROVED: _____

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