

## EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY

### Minutes of Regular Meeting 14 September 2010

1. Call to Order at 6:00 PM.
2. Pledge of Allegiance led by Chairman Reyes.
3. Roll Call – Director Sandoval, yes; Director Kilfoy, Director Torres, Director Gorrell, Chairman Reyes. All present.
4. Chairman’s report: None
5. Approval of Agenda: Director Sandoval would like to move Item 29 before public comment. Chairman Reyes stated he wanted to move the Chairman’s report before public comment. Motion to approve Agenda as amended made by Director Kilfoy; second by Director Torres. Passed unanimously.
6. Election of Vice Chair: Motion to nominate Wayne Sandoval as Vice Chair made by Director Kilfoy; second by Director Gorrell. Director Torres moved to close nominations and elect Director Sandoval by acclamation; second by Director Gorrell. Passed unanimously.
7. Introduction of Guests: David Stoliker, SSCAFCA; Mark Santiago, Burt & Co; Ron Schranz, Burt Co.; Jerry Nieto, USACE; Tony Lucero, self; Jesse Dickson, Dickson Hydraulics; Doris Faust, Board Candidate; Jim Beverly, self.
8. Approval of minutes: Approval of Regular meeting of August 10, 2010 made by Director Sandoval; second by Director Kilfoy. Passed unanimously.
9. Financial Report: Larry Blair reviewed the financial report. Director Gorrell asked how the invoices were managed from the consultants. Larry Blair stated that he reviews the invoices to ensure that the work has been performed. He then approves the invoices and gives them to Gary Young. Gary Young prepares the check for payment. Before checks are distributed to the consultants, they have to be signed by Treasurer Torres and Chairman Reyes. Doris Faust commented that she had an opportunity to review a report prepared by Steven Barro regarding the outlook for ESCAFCA bond financing, which was distributed to the Board by Mr. Barro. She feels this is a good 2<sup>nd</sup> opinion for FY2011. Mr. Barro explained his position on the report. Chairman Reyes asked that Mr. Barro make a presentation at the next Board meeting.
10. Approval of Audit Contract with Burt and Company CPAs for FY 2010: Larry Blair recommends the Board approve Burt and Company CPA as the auditor. The audit has to be completed by December 1. Approval of Audit Contract with Burt and Company CPAs for FY 2010 made by Director Kilfoy; second by Director Gorrell. Passed unanimously.
11. Audit Requirement for FY 2009: Approval to proceed: Mark Santiago/ Ron Schranz, Burt & Co: Ron Schranz explained that while answering the RFP, Burt & Company noticed transactions prior to FY 2010. They contacted the State Auditor’s office and discovered that an audit for FY 2009 still had to be performed. Larry Blair stated that Burt & Co has proposed to do the audit and that he feels this would make sense for ESCAFCA. Director Sandoval asked if ESCAFCA was going to be fined for being late on the audit. Mark Santiago stated that there would be no fine imposed. The worst case would be a finding in the audit report that it was late, in which case ESCAFCA will have a chance to respond to the finding and explain why the audit was late. Approval of Requirement for FY 2009 made by Director Gorrell; second by Director Sandoval. Passed unanimously.

Next three items: Mr. Blair reported that each contractor had provided evidence of liability insurance, and recommended approval of the contracts.

12. Approval of Contract for Property Acquisition/Negotiation Services with Pinnacle Consultant Management Group Inc: Approval of Contract for Property Acquisition/Negotiation Services with Pinnacle Consultant Management Group Inc made by Director Torres; second by Director Kilfoy. Passed unanimously.

13. Approval of Contract for Real Estate Appraisal Services with Timothy Holzhauer and Associates: Approval of Contract for Real Estate Appraisal Services with Timothy Holzhauer and Associates made by Director Torres; second by Director Kilfoy. Passed unanimously.
14. Approval of Contract for Real Estate Appraisal Services with Zacour and Associates, Inc: Approval of Contract for Real Estate Appraisal Services with Zacour and Associates, Inc made by Director Torres; second by Director Kilfoy. Passed unanimously.
15. Approval of Lease with the Town of Bernalillo for office space: Director Torres recused himself from this topic. Larry Blair stated that Michael Cadigan added line item 10 to the 2<sup>nd</sup> page. Director Gorrell had a question regarding Item 3, Care and Maintenance of Premises. He requested that terms in the contract that pertain to the regular building maintenance should be removed. Michael Cadigan stated that in order for the contract to be changed, the building management would have to agree. Motion of Approval of Lease with the Town of Bernalillo for office space made by Director Gorrell subject to the changes to the contract and to authorize Larry Blair sign the agreement; second made by Director Kilfoy. Passed unanimously.
16. Bernalillo Levee Project: Briefing by Jerry Nieto, Corps of Engineers: Jerry Nieto handed out a document explaining Section 205 for small flood control projects. If Congress approves funding, the Corp could start a \$100k feasibility study in the spring 2011. If that study shows promise, a 2<sup>nd</sup> feasibility study would take up to 2 years and would cost about \$900k, cost-shared 50/50 with local sponsors. A commitment from local sponsors could be required as early as March 2011. This study could take 2 years. If the project proves feasible, design and construction could occur on a 65% federal and 35% local cost-share. Total cost for the project could be \$10M with a maximum federal contribution of \$7M.
17. Bernalillo Floodplain Map Revision: Discussion ensued regarding the time required to do a Map Revision (up to one year) and the cost (\$300,000+) plus the additional time to get FEMA approval (one year?). Director Torres stated that it was his understanding that the Bernalillo Floodplain Map Revision would be a follow-on effort to the Placitas Floodplain Map Revisions. Chairman Reyes opined that it seems prudent to wait until Congress acts on funding and the initial feasibility study is done. Accordingly, he deferred further discussion.
18. Approval of Amendment 2 to Task Order No 5 [Placitas Flood Plains]: This amendment provides funds to do surveys of drainage structures, as required by FEMA. Motion to approve Amendment 2 to Task Order No 5 made by Director Torres; second by Director Kilfoy. Vote was 4 in favor. Director Gorrell voted nay stating that he felt this was an inappropriate expenditure of bond funds. Michael Cadigan stated he will provide an opinion on the matter.
19. Approval of Amendment 1 to Task Order No 9 [Algodones Conveyance]: This amendment provides additional funds to do a survey of a Northern alignment in Algodones. Motion to approve Amendment 1 to Task Order No 9 made by Director Sandoval; second by Director Kilfoy. Passed unanimously.
20. Engineering Task Orders Update: Wilson & Co: No oral report was given for the information below (provided in the mailout).

**TASK ORDER 5 – Placitas Floodplain Mapping and Delineation**

Re-submittal of the Arroyo Del Ojo Del Orno was made to FEMA on August 24<sup>th</sup>. We are awaiting comments on the resubmitted information.

Inclusion of the surveyed structures into the hydraulic model for the remainder of the arroyos is on-going. This process is taking longer than expected due to the amount of structures impacting flow in the arroyos. Hydraulic analysis will require two additional weeks. Final documentation and work maps for the final LOMR application should be finalized the week of September 27<sup>th</sup>.

**TASK ORDER 6 – Placitas Tecolote Roadway Drainage Structures**

Per our last review meeting, Wilson & Company will work on final modifications to the construction plans and develop a contract book and specifications for bidding the project. A final draft of both will be delivered to you on September 24<sup>th</sup>. At that time, we will develop bidding and construction schedules.

**TASK ORDER 7 – Bernalillo Athena Avenue Detention Facility and Drainage Outfall Feasibility Study**

Wilson & Company is awaiting a coordination meeting to discuss development options with the Town of Bernalillo.

**TASK ORDER 9 – Algodones Conveyance Facility Feasibility Study**

Request has been made for Wilson & Company to provide analysis for an additional alignment option for the outfall system. Additional survey and analysis will be required to complete the task. Once the Board has approved the additional request, Wilson & Company will provide a final report discussing possible options for construction of a collection and outfall system. After approval of Amendment 1 to Task Order 9 an additional four weeks to complete the additional analysis and incorporating the findings into the final draft feasibility report.

**TASK ORDER 10 – Mid-Bernalillo Conveyance Feasibility Study**

Wilson & Company is in the process of compiling the preliminary hydraulic analysis to further discuss conveyance options. Further coordination is anticipated with contracted realtor.

**Task Order 11 – Las Huertas Creek Prudent Line Assessment and LOMR**

A Draft report of the Channel Stability Analysis and Prudent Line Assessment were provided on July 21<sup>st</sup> for your review. Reports are also undergoing internal review. Once review has been completed, the project team will meet to review comments and questions and move forward with planning the public involvement.

**Task Order 12 – Placitas Pipeline Safety Grant Application Assistance**

A representative from the Grants Technical Assistance Department indicated that the applications had been sent to the Board for approval. Final decisions have not been made by the Board. The representative indicated that the Board was trying to make final decisions before the end of the fiscal year.

21. Project Status Report: Update and Discussion: Director Gorrell distributed a spreadsheet with a hypothetical project status displayed and explained the spreadsheet. He opined that such a report would provide, on a monthly basis, a meaningful update on each project and help keep projects moving. Chairman Reyes asserted that such detailed reporting amounted to micromanaging by the Board, whose job it is to give broad guidance. After further discussion, Chairman Reyes asked Mr. Blair and Wilson & Company to continue effort and report back but also to report if such work became too onerous.
22. Needs Assessment and Project Prioritization: Update and Discussion [m/o]. Mr. Blair discussed the mailout form which had been provided by Director Gorrell and explained that most data could be populated from existing information but that project benefits would be harder to define and some cases would be anecdotal and subjective. However, he and Wilson & Company will select a couple of projects and complete the forms for presentation at a future meeting.
23. Resolution 2010-10 Drainage Policy Task Group: Approval [m/o]. Mr. Blair presented the resolution and summarized it, after which discussion resulted in the following:
  - Paragraph 1D – Change Board to Board Chair.
  - Paragraph 2 – Change findings to recommendations.
  - Mr. Cadigan recommended that each Board member appoint a task group member, which could be themselves except only 2 Board members can serve on the task group.

Motion to approve Resolution 2010-10 was made by Director Torres; second by Director Sandoval. A roll call vote was taken as follows:

Chairman Reyes – yes

Director Kilfoy – yes

Director Sandoval – yes

Director Gorrell – yes

Director Torres – yes

24. Executive Engineer position [m/o]
  - a. Original Job description [based on full time employee][m/o]. Mr. Blair briefly discussed a comprehensive job description which had been provided to the Board in April 2010 when a full time position is being considered.
  - b. Proposed Job description for contractor [m/o]. No changes were proposed.

- c. Approval of Advertisement [m/o]. This item was discussed in conjunction with 24b. Director Gorrell and some members of the audience asserted that the position should be an Executive Director open to professions besides engineering because many of the duties are administrative in nature. Chairman Reyes asked David Stoliker of SSCAFCA for his opinion. Stoliker recommended that it be a Professional Engineer. Chairman Reyes said he felt strongly that it should be a Professional Engineer. After further discussion, motion and second was made to approve the Advertisement. The vote was 4 in favor and Director Gorrell against. Mr. Blair received guidance from the Chairman and Board to advertise locally in October with submittals due in November.
25. Draft Resolution 2010-\_\_\_Prudent Line Policy: Discussion[m/o]: Discussion was deferred but the Draft Resolution will be posted on the website.
26. Executive Engineer's Report
  - a. Board photos: Contact Carla Salazar, Town of Bernalillo at 867-3311 to make appointment – Mr. Blair informed the Board to contact Carla Salazar if they wanted to get their photos made. He stated that if they already had a photo to send it in to him.
  - b. EPA MS4 Regional Permit [m/o]-report – Mr. Blair briefed on potential for watershed-based permit with multiple agencies as co-permittees.
  - c. Sandoval County Planning and Zoning meeting – report – Mr. Blair and Director Gorrell attended the Sandoval County Planning and Zoning meeting. P&Z comments centered on applicability to this area, and enforcement. Minutes from P&Z are forthcoming.
  - d. Public Records Requests-report – Mr. Blair reported that ESCAFCA has received 5 public records requests and one AG complaint. All have been, or are being responded to.
  - e. EE absent Wed 15 Sept thru Wed 22 Sept
27. DFA letter certifying FY 2011Final Budget [m/o] – Provided for information.
28. Public Comment – Steve Barro commented that he would like see all of Wilson & Company's task orders to come up with a proposed reporting method. He requested to meet with staff. A member of the Town of Bernalillo commented that he would like to see ESCAFCA do a FEMA Floodplain Map revision because of the new requirement to pay for flood insurance. Doris Faust stated she was troubled by the lack of transparency and she felt 5 public records requests and 1 AG complaint was troubling.
29. Investment/ banking discussion: Chairman Reyes and Mr. Blair met with Bill Smith from 1<sup>st</sup> Community Bank. Mr. Smith cited several provisions that indicate the money ESCAFCA has in the bank is 100% safe.
30. Adjourn at 9:35. Motion to adjourn made by Director Torres; second by Director Kilfoy. Next meeting 6 PM, Tuesday October 12, 2010, at Bernalillo Town Hall.

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Submitted by Kristi Winters

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Debbie Kilfoy, Board Secretary