

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF APRIL 22, 2003
BOARD OF DIRECTORS SPECIAL WORK/STUDY MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by John Chaney, Vice Chairman, at 1:05 p.m.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by John Chaney.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, Richard Deubel, and Donald Rudy. David Stoliker, Executive Director, and other staff were present. Bernard Metzgar, SSCAFCA's attorney, was also present.

APPROVAL OF AGENDA.

A motion was made by Mark Conkling to approve the Agenda as presented. 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 and that the microphones are voice activated.

VISIONING PRESENTATIONS.

1. **Local Government Leaders.**

Jim Owen, Mayor of Rio Rancho, stated that he has been trying to get the City directors to understand that their thinking is way too small and that they need to think in terms of what the regional impacts of where the City's growth is going to be, how that ties into SSCAFCA's charter, and how the City can work with all the entities involved to come up with a better quality of life. The City of Rio Rancho consists of 300 square miles, which makes Rio Rancho the "Dallas" to Albuquerque's "Fort Worth." He is trying to get the City Council to develop policy rather than reacting to issues. This will let them look at this issue at a more global level. The intent is to take Rio Rancho all the way over to Laguna. SSCAFCA's role is very important with regard to the growth of the City. (A map of the area was referred to by the Mayor.) The City is looking at adding 3,000 people per year to the City's existing structure. Within 20 years, the City is looking at more than

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100,000+ living in Rio Rancho. Ultimately, the population could exceed 750,000. He stated that they need to look at the entire region and project mindset. He stated that most of the City staff is involved in finalizing the negotiations on the mediation for the water rights permit. In addition to that, the City is working with the land commissioner on all of the state parcels within the City's perimeter. When you take the entire area, there is an enormous amount of state land within that 300 square miles. The state has committed to work with the City on anything to help utilize its lands. He stated that, with having to look at a possibility of 700,000 people, the City has to decide whether to concrete the ditches, use natural flows, try to develop a park system in conjunction with SSCAFCA, etc. The City wants to keep everything on the surface so it doesn't get tunnel vision. He stated that 23% of the people who live in Rio Rancho work in Santa Fe, and Rio Rancho is considered by some to be a suburb of Santa Fe. The City is willing to work with SSCAFCA in planning the future.

Mr. Metzgar stated that SSCAFCA's statute states that it can have facilities outside of the present boundaries that affect the properties within SSCAFCA's boundaries. In order to do projects in Black Ranch, however, SSCAFCA would probably have to expand boundaries. Mr. Conkling stated that it might be a good time to expand boundaries when the City of Rio Rancho annexes the property. Mr. Deubel stated that the same issue applies to SSCAFCA's west boundary as well. Mr. Castillo, of AMREP, stated that when the current boundaries were established, the first consideration was given to the watershed; and, secondly, they were fixed by political issues.

Ken Curtis, of the City of Rio Rancho, stated that the driving force of the vision is going to come from the private market. He stated that he values SSCAFCA's vision and leadership in the community. He stated that SSCAFCA has the public safety, health and welfare in mind and that SSCAFCA deals with public money coming from taxation and it is critical that SSCAFCA does the right thing with that money. On the same hand, individual applicants come in from the private community that are directed to do certain things that require financial obligations. The financial end is critical and he appreciates what SSCAFCA has done in stewarding these resources, public and private. He applauds SSCAFCA's leadership with regard to taking overt steps to move away from concrete lined channels. The decisions made now for Watershed Management Plans is really about future generations. He urged the Board to not lose sight, when it looks to share costs with the City that the money all comes from the same place, i.e., taxpayers. He stated that SSCAFCA should stay focused in a leadership capacity and financial cost-sharing.

Mr. Conkling stated that one of the vision questions about how to do things in terms of community ponds rests upon how well public entities might be able to either enforce or not enforce on-site ponding for individual homes on thousands of platted lots. He would like to find a cooperative way that the SSCAFCA Board and the City could address this. The City doesn't have the resources and SSCAFCA doesn't touch the public at the moment of permit time; however, if SSCAFCA could help with that, it may resolve some of

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these issues. Mr. Curtis stated that they have large tracts of land with some 70,000 lots created, that they call "antiquated platting." They have existed for 20-30 years and, due to the nature of the market, they have not had to address those individual lots to a great extent. All the open lands are currently being planned now. Unit 16 is a real turning point as it is one of the methods to address the antiquated platting with the consolidation, master planning and development in a coordinated, logical manner. The SSCAFCA Board is the only public board currently talking about these detailed issues. The City Council will then need to look at an ordinance for enforcement of individual lot or building requirements in the building permit phase. Mr. Conkling stated that, it seems as though Mr. Curtis would like to see an ordinance and he would like some help raising the consciousness of the community around this issue and SSCAFCA's leadership would be helpful in developing the technical aspects. Mr. Curtis stated that as long as the policy makers agree, and the City and SSCAFCA align their resources to make it happen, they can build something great.

Lonnie Clayton, District #6 Council Member, stated that District 6 covers almost 50% of the physical property of the City of Rio Rancho. He stated that he concurs with Mr. Curtis 100% and that he came to today's meeting strictly for informational purposes. He asked what the progress was of making sure that Enchanted Hills Boulevard doesn't wash out again. Mr. Stoliker stated that the City has taken the lead on fixing the problem. The City has applied for and received a federal grant to address the problem. SSCAFCA has entered into an agreement with the City that will provide funding to fix everything within the City's jurisdiction. Outside of the City's jurisdiction, which is west of the power line roads, is under AMREP's control. AMREP is working with the City to try to rectify the situation and get it cleaned up. Mr. Clayton stated that about 3/4 of Unit 17 is in his district. There are houses being built out there and 99% of them are on wells and septic systems. There are no paved streets. He is concerned about the problems when the rains come. He stated that there are some houses that are in disadvantageous positions.

2. Members of the Public.

No members of the public were present.

3. Development Community.

Mr. Cliff Spirock, of Community Sciences, stated that he tries to look at any advice and participation with SSCAFCA from a planning perspective, rather than an engineering perspective. He stated that the City of Rio Rancho has a Vision 20/20 comprehensive plan. He stated that in December his firm presented the Indian Bend Wash information to the Board and highlighted the very intense areas, i.e., the community parks, the ball fields, recreation facilities, etc. He stated that the community of Paradise Valley is more analogous to Rio Rancho with regard to the early platting than the developing community of Scottsdale. They also suggested that some of the drainage policies that were adopted

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by both Maricopa County Flood Control District and the City of Phoenix should be considered, if not copied, because they were an integral part of what made some of those projects happen.

Mr. Spirock stated that in February 2003, they backed off the Indian Bend Wash and started focusing on some projects in the northern portion of Rio Rancho. Most of that is centered around a project called Santa Fe Vista, but it embraced the Enchanted Hills Development, the Hawk Development, and the Loma Barbone Development. Most of the existing physical platting consists of gridiron streets, without much attention to flood control. They did create easements, but nobody at that time envisioned what those drainage easements would be after 30 years of migration of a drainage facility. In the case of Santa Fe Vistas, there may be an alternative to the 80 by 270 foot wide lots. From a streetscape perspective and from a continual development area, they are proud of what 's happening with those plats. They concluded that February meeting with recommendations to SSCAFCA that had to do with timing, staged implementation, the fact that the solutions the development community can envision, as well as the public, are multiple solutions. A great example of the public/private cost benefit is the Venada Arroyo. He stated that 7% of the \$72 million cost anticipated with the Venada Watershed Master Plan have already been accomplished in the first year by the land donation from AMREP.

Mr. Spirock stated that today 's visioning needs to look toward the future and, as planners, must be dealt tightly with the City of Rio Rancho, their comprehensive plan and how it may change. They are going to recommend drainage policy revisions. They are requesting improved cooperation with the City of Rio Rancho to implement a drainage policy that doesn 't penalize developers who promote watershed management. They are going to suggest a continuation of the Venada Arroyo technical team. They are hoping to identify logical areas conforming to the City 's 20/20 Vision Plan where SSCAFCA 's expenditures and effort for multiple use solutions will be the most beneficial to the community.

Mr. Spirock stated that they suggest that a five step process be initiated for SSCAFCA to consider, consisting of 1) the identification of stake holders; 2) the revision of SSCAFCA 's drainage policy; 3) SSCAFCA working with the City of Rio Rancho for a drainage policy that affects the scattered lots; 4) SSCAFCA working with the City of Rio Rancho planners, as well as the Town of Bernalillo, the Village of Corrales and other jurisdictions and municipalities; and 5) exploring either impact fees or other ways of funding enforcement to a modest degree. They are suggesting that, for the identification of stake holders, SSCAFCA retain the technical team and either expand it or contract it as needed. They suggest that SSCAFCA work very closely on incentives so that the Venada and the Enchanted Hills South project can be emulated. He stated that SSCAFCA should also catalog and identify some of the other costs and benefits.

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Mr. Spirock stated that the developers believe that SSCAFCA should bring its drainage policy current and consider additions, such as the definition of watershed mitigation and possibly including some incentives that would encourage and foster other land donations. He stated that SSCAFCA should revise the fully developed upstream conditions, as this is promoting the structural solution and not the non-structural solution. SSCAFCA can assist local developers in the storm water pollution protection plans. He stated that SSCAFCA should also petition the City of Rio Rancho for a modification of its drainage policy, specifically to address the scattered lots to require on-lot retention as part of a building permit or to require the right of access and inspection. Also, to look at community retention ponds as the favorite alternative and how to encourage more of that. The enforcement could possibly become SSCAFCA's role.

Mr. Spirock stated that SSCAFCA should continue the effort for trails and open space connections because the City's 20/20 Plan has a great deal regarding areas of activity centers, but it doesn't speak very well of how to connect those activity centers. Where the centers are located is where SSCAFCA and the City should look at integrating the mixed-use areas.

Mr. Deubel stated that the development community is building more houses per acre, which causes more run-off. A solution in the past has been to put in concrete lined channels, which will take run-off quickly into the river. He stated that Mr. Spirock alluded to retaining the water on the individual lots, but did not reconcile the idea that the public wants more open space, multi-use, naturalistic arroyos, with the ever-increasing demand from the development community to put as many houses as possible on each acre. Mr. Spirock stated that the determination of how many houses per acre is really a function of market and cost. When those projects happen, they don't happen in an instant. He stated that SSCAFCA should catch the developer at stage one. There is a time when SSCAFCA can foster cooperation to strive for a win/win situation with regard to drainage in a subdivision.

Mike Castillo, of AMREP, stated that the City's 20/20 Plan is a yardstick that they use that tells them where it is low density and where it is higher density. The bulk lands that have been available in the past are coming to an end, at least in the major development areas in Rio Rancho. The last large tracts are in Enchanted Hills South, the Hawk Site and Northern Meadows. Those will most likely be built out within the next 15 years. If they resort to assessment districts, they will be left with the old platting, which is not the best for development. He stated that SSCAFCA needs to look at ways to handle the drainage in the antiquated platting areas that includes multiple ownership. Santa Fe Vistas is an example of how to use the scattered ownership in the future. At the very worst case, they may have to look at each lot retaining its own runoff.

Mr. Chaney asked if Mr. Castillo felt that multiple use, naturalistic drainage channels can be turned into a source of additional profit for developers in the sense that the lots near those channels become more valuable. He stated that lots that are on these channels and

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near open space command significant premiums in other areas and he sees this as a way to implement the vision because the development community can realize a larger profit from those particular lots. Mr. Castillo agreed with the statement. He stated that this will be tested in Enchanted Hills South. The northern portion of that project is scheduled for upscale development with very nice amenities adjacent to the open spaces.

Mr. Castillo stated that there is a way to do sensible replatting of the antiquated platting areas through the Community Redevelopment Act. Mr. Rudy stated that there are scattered private ownership lots which are uniformly distributed over the area and they would all have to be involved in this if this was to be effective. The first test of the Community Redevelopment Act will be the Cabezon area. This area has been declared blighted and the blighted area allows the government to condemn and replat the property.

Mr. Metzgar stated that he would like to clarify how the Community Redevelopment Act works. He stated that Curb, Inc. entered into a contract with the City of Rio Rancho to develop Unit 16. Curb, Inc. has gone out with offers to purchase the individual lots. Those that are not purchased by agreement can then be condemned by the City of Rio Rancho. Once they are all acquired, then the development of the entire area will go forward and Curb, Inc. will have to come to SSCAFCA on the drainage. This method is being conducted all over the country. However, some parties have challenged the constitutionality of the Redevelopment Acts. Some courts have held that it is unconstitutional. The U.S. Supreme Court has not ruled on it. Overall, the precedent has been that it is possible, that it is for the public good, and that you can condemn for these purposes. On an overall basis there is good precedent that has been upheld.

4. SSCAFCA Contract Engineers.

Howard Stone stated that a good way of conserving water is capturing the rainfall from the rooftops and taking it to a garden or flowerbed. He stated that it is a credit to the whole process that the Board has approved the three Watershed Management Plans. One of the things SSCAFCA can do to help further the vision of naturalistic arroyos and protect against floods is to own the arroyo bottoms. It is critical that they become public lands. The primary purpose of an arroyo is to provide drainage and the arroyos should be owned by the entity which has that responsibility, which is SSCAFCA. Once the lands are in public control, there is the possibility to do more things. He stated that another thing that can be done is that when developers come in with a plan that SSCAFCA does its best to accommodate that plan and get the best that SSCAFCA needs to protect the public and accommodate multi-use projects. He stated that the public needs to be aware of what SSCAFCA does so that the bonds can pass because without the bonds, the projects cannot be done.

Mr. Clint Dodge stated that the best way to look at the future is to look at Roskos Field with its educational concept. Very early on in the Watershed Management Plan, they

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asked all the stake holders to write down their vision for what the Venada should look like. The idea of the multiple-use, naturalistic corridor came out of that. This included the developer, the developer's engineers, the planners, the City Parks & Rec. Department, Public Works, SSCAFCA, etc. He stated that he doesn't believe that they did a very good job getting the public involved in the planning process. However, he doesn't know what else would work to get the public more involved. Mr. Deubel stated that if SSCAFCA has a link to the contractors through the SSCAFCA web-site, that would probably increase public participation since it would only take five or ten minutes to type out a suggestion and send it via e-mail to SSCAFCA or one of its contractors rather than sitting through a two hour long public meeting.

Mr. Dodge stated that the focus in the Venada project was community value with the arroyo having multiple use amenities rather than just a concrete channel. He stated that he would like to develop a Center for Arid Lands and Watershed Drainage. He stated that there is a problem with equitable funding between individual lots and small developers, which needs some serious study. He stated that it would be a good idea to get started in a hydrologic cycle. The key in that is education. Education will also help with dry arroyo safety.

5. Executive Director.

David Stoliker briefly reviewed SSCAFCA history. He stated that SSCAFCA's first official day was June 1, 1990. Its first construction project was completed in 1998. He stated that when he arrived at SSCAFCA in 1997, they had set up short term goals, five year goals, and long term goals. They never really got into the long term goals because they were so busy with the short term goals. He stated that some of the short term goals were issues like communications. SSCAFCA had a real problem with open lines of communication with other jurisdictions. He stated that they also needed to go through and assess all of SSCAFCA's structures and to prepare planning documents. To identify and develop the short and long term goals, he reviewed SSCAFCA's approved goals. The four SSCAFCA goals are to provide flood protection for people and property up to the 100 year event; incorporate multi-use potential on all projects; reduce erosion; and work cooperatively with others for the common good of the public. There were eight projects specifically developed from these goals and an overall management review: 1. Prevent uncontrolled drainage between Rio Rancho and Corrales along the escarpment, that will be completed this year with the 528 project; 2. Develop watershed management plans for all urbanized areas within SSCAFCA's jurisdiction, which was done last year; 3. Map SSCAFCA's jurisdiction, which will be completed this year; 4. Provide a permanent location for storage of all of SSCAFCA's records and functions; 5. Increase the level of drainage infrastructure design and construction; 6. Identify and correct all infrastructure deficiencies; 7. Upgrade financial systems, O & M, property control and acquisition. All of which will be completed this year, and; 8. Improve its working relations with other entities.

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Mr. Stoliker stated that in order to establish SSCAFCA's 20 year goals it is necessary to go through SSCAFCA's present goals, mission and vision statements and review its commitments. He wants to review SSCAFCA's strengths and limitations compared to others in its jurisdiction. He wants to perform some of the same investigations that were done for the 5 year goals. SSCAFCA's vision is flood control today for a safe tomorrow. SSCAFCA has six mission statements: manage its watersheds prudently; enhance quality of life; create appealing multi-use facilities; set an example of quality, integrity, leadership and professionalism; educate the public concerning flood hazards; and administer public funds prudently. SSCAFCA's commitments are to comply with all local, state and federal requirements (FEMA, Corps of Engineers, etc.). SSCAFCA has also made a commitment to the City of Rio Rancho that it will utilize all of its major arroyos for trails.

Mr. Stoliker stated that SSCAFCA's strength is that it has one primary focus: drainage. It also has a strong statutory authority with regard to doing what it needs to do for drainage and flood control. The Board is very knowledgeable; and the staff is highly competent. SSCAFCA has a stable funding capability in that it won't vary like gross receipts tax. SSCAFCA has a great working relationship with other governments within its jurisdiction. SSCAFCA is a multi-jurisdictional authority, which is a strength, because it can address flooding when nobody else can. He stated that SSCAFCA's limitations are that SSCAFCA doesn't do zoning, enforcement, or permitting and that it is focused only on drainage.

Mr. Stoliker stated that SSCAFCA's vision should include staying "lean and mean." He stated that SSCAFCA should contract its O & M; that SSCAFCA does currently not need any increases in staff but that it should be looked at based upon the goals that the Board sets and the items that the Board wants to accomplish; SSCAFCA should provide training to stay technically current and utilize consultants to fill in what might be needed. SSCAFCA does not need an increase in its tax rate which provides for about \$1.5 million per year, over the next 20 years, for construction. SSCAFCA needs to evaluate alternative funding sources to allow for right-of-way purchases in rapidly developing areas. SSCAFCA should take a leadership role, especially in areas like education. He stated that SSCAFCA should continue designing, constructing, and cooperatively cost-sharing projects. SSCAFCA should increase the technical community's knowledge through training and standard design development. SSCAFCA should be a leader in specific areas such as flood plain development, possibly taking oversight in this area and cleaning up all floodplains. SSCAFCA should expand its focus to include watershed management.

Mr. Stoliker stated that there are four different ways to do watershed management. The first is regulatory where SSCAFCA would do things from a regulatory standpoint. The other three are done through privately funded projects; publicly funded projects; and acts of nature. SSCAFCA needs to continue to address the NPDES issue and should come up

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with a community values plan. From a broader perspective, SSCAFCA should look at doing a trails plan for all arroyos. O & M needs to be looked at cooperatively. SSCAFCA needs to continue to support and oversee the demonstration projects like ' ' catch it where it falls ' ' and it also needs to address the single lot developments. SSCAFCA needs to develop a more comprehensive financial program that looks at SSCAFCA ' s entire money situation. He stated that SSCAFCA needs to continue the oversight on private development and the outstanding management plans need to be completed. Developers are using SSCAFCA ' s plans to do what SSCAFCA wants. If the plans can be completed, especially the Calabacillas, it will help SSCAFCA get in front of the developer(s)

Dub Yarbrough arrived at 3:05 p.m.

Mr. Stoliker stated that SSCAFCA will need approximately \$30 million over the next 20 years to correct known and anticipated deficiencies. Those projects should be done cooperatively with the intent of increasing community value. This amount comes out of the Black Arroyo, the Montoyas Arroyo and the Venada Arroyo Watershed Management Plans. The estimated cost for the Black Arroyo alone is \$8 million. The projects were reviewed. The projects that need to be done in the Montoyas Arroyo include construction of the Sportsplex Dam Site; right-of-way on Lomitas Negras; work on acquiring the LEE line; settle the issue of whether to add additional dam sites or raise the bridge. Costs on the Montoyas Arroyo are approximately \$14 million over the next 20 years. The things that need to be done in the Venada Arroyo include building the dam site at Unser, which will give SSCAFCA approximately 10 to 20 years of breathing room; and look at the water quality features which have to be addressed at some point. Estimated cost for the Venada is \$8 million. The projects were reviewed. All arroyos should be inspected annually and repaired as needed.

6. Board Members.

Mr. Chaney stated that he was on the original SSCAFCA Board and at the time they were trying to discuss a vision that was in the form of a book, which was the Indian Bend Wash Project. Now, it looks like this Board will try to implement its version of that project and he applauds that vision.

Mr. Deubel stated that the Board members and staff have the same goals and vision and SSCAFCA needs to continue to cooperate and communicate with governmental entities, the developers, and public to continue to incorporate multi-use aspects to all flood control facilities with public safety as the utmost priority, including surface water quality control. He stated that SSCAFCA should also construct and fund the best possible facilities at the least cost.

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Mr. Rudy stated that he would like to see dry arroyo safety incorporated into the vision, along with multi-functional facilities. There is another whole area of organization and operations which needs to be addressed.

Mr. Conkling stated that he is excited to see SSCAFCA's leadership emerge and its vision come together. One of the first things that will come up to make SSCAFCA's vision even sharper is to address the fully developed definition that it has been using in its policies and how the Board will look at other techniques of catching water where it falls, community ponds, and other multi-use solutions. He stated that he is eager to amend SSCAFCA's policies to reflect some of the more creative work that it has seen recently.

Mr. Yarbrough stated that he is concerned about putting the Corrales Bridge issue 20 years into the future. Mr. Stoliker stated that it is not his intent to put it off; rather it was included in his vision for the next 20 years. Mr. Yarbrough stated that he is hopeful that the cost will be reasonable enough to get the bridge raised and the flow of the Harvey Jones Channel increased by approximately 30%. He is very pleased with the staff and the Board and what SSCAFCA has accomplished in the past decade.

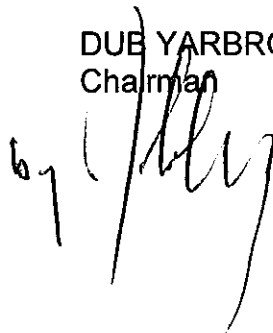
DISCUSSION OF FUTURE ACTIONS.

None.

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Richard Deubel to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:20 p.m.


RICHARD DEUBEL
Secretary

DUE YARBROUGH
Chairman


DATE APPROVED: