

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF OCTOBER 17, 2008  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

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

**ROLL CALL OF DIRECTORS.**

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

**PLEDGE OF ALLEGIANCE.**

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

**APPROVAL OF AGENDA.**

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

**ANNOUNCEMENTS.**

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

**STAFF REPORTS.**

**Executive Engineer.**

No report.

**Technical Services Director.**

1. Presentation of the following developments that have been submitted for review (locations attached):
  - a. Presbyterian Hospital Site;
  - b. Healthy Way Road;
  - c. SAD 7A;
  - d. Paseo Del Volcan, Iris Road to US 550;
  - e. SAD 8;
  - f. Venada Plaza 50 acre Commercial Site (Construction Plans were signed on September 25, 2008.

Mr. Foglesong stated that staff has had several meetings with Presbyterian Hospital and Bohannon-Huston. They have submitted a final drainage report. Staff has looked at it and it meets all of the requirements that the Board has placed on this development. The hospital emergency services are being designed to be protected from a 500 year flood event.

Mr. Howard Stone, of Bohannon-Huston, stated that this is a large project for Rio Rancho and they anticipate starting preliminary construction next month, with the goal of having the facility on-line by Fall of 2010. Glen Broughton is the principal engineer on the drainage on this property.

Mr. Glen Broughton, of Bohannon-Huston, stated that as part of the overall drainage master plan report, they had to keep the hospital dry in the 500 year flood event. They looked at two conditions for that. They are looking at getting started on rough grading Phase I in November. The blue shown on the screen represents the limits of the 500 year flood plain relative to the hospital building. The dark blue line represents an 84" storm drain that is being constructed as part of the project. This drain is designed to take drainage from the west side of Unser and convey it to the south side of the site and into the Black Arroyo Detention Facility on AMAFCA property. The storm drain was designed to accept flows from the Gateway Dam when that is constructed. Their model indicated that this would keep the hospital dry in that large event.

Mr. Broughton stated that they also looked at the full build-out of the hospital which is 1.2 million square feet, give or take. Phase II will include expansion of the main hospital building with two additional patient towers. It is the same situation with the storm drainage in place. They modeled it at full build out to demonstrate that the hospital would remain dry in the 500 year event. They included in the report a caveat that this phase of the project hasn't been designed yet and the model they prepared for this analysis will need to be reevaluated at that time.

Mr. Broughton stated that there is a storm drain in Healthy Way that will be constructed by the developer of Cabezon. The site drains north and south. There are a number of storm drain connections that will tie into the 84" storm drain. The north half of the site will connect into three small storm drain systems that will connect to stub outs provided by the developer of Cabezon. All the site drainage is intercepted by the storm drain, with the exception of a small area. Mr. Rudy asked if the City knew about the access. Mr. Broughton stated that they are providing a secondary access off of Black Arroyo. Ultimately when Westside Boulevard is connected, there should be access to the north side of the site as well.

Mr. Foglesong stated that staff is ready to approve the report based on any comments that the Board may have.

A motion was made by Donald Rudy to approve the Presbyterian Hospital Site plan as presented. It was seconded by Steve House and passed unanimously.

Mr. Foglesong stated that the next project is Healthy Way Road. Staff has not received any additional plans or submittals on this road. With the pressure that the hospital will put on this project, he expects that they will come in fairly quickly.

Mr. Foglesong stated that with regard to SAD 7A, they have had a couple of meetings with the engineer and the City. This is instrumental in the hospital report. SAD 7A will, as it is presently designed, construct the Gateway Dam and provide additional conduits under Unser Boulevard. It will then be in compliance with the Watershed Management Plan for the Black Arroyo.

Mr. Foglesong stated that with regard to Paseo del Volcan, they have a design meeting scheduled next Tuesday. There is no new information.

Mr. Foglesong stated that with regard to SAD 8, the City had a meeting last night with the neighborhood association. There is a possibility that a portion of SAD 8 that appears furthest to the west may be removed. SSCAFCA has met regarding the other portion of the SAD. There needs to be some coordination between the City, SSCAFCA and the Town of Bernalillo on that outfall. They are working toward a solution on that.

Mr. Foglesong stated that with regard to the Venada Plaza 50 acre commercial site, the Board approved the Northern Price's Dairy Drainage Management Plan in January 2007. On September 25th, staff approved the Venada Plaza 50 acre commercial site, which is south of the Wal-Mart and north of the Venada Arroyo. They will be constructing and providing an access road on the north side of Venada.

Mr. Randall Carroll, of the City of Rio Rancho, stated that SAD 8 contains Nacelle Road from Nativitas east to the City limits and Negoya Road from Nativitas east to the City limits. As part of the drainage system for this SAD, the City has acquired five lots on the east end of Hapsburg for a large pond and it is the discharge from that pond that will go into an arroyo that is mostly on private property between the Bernalillo Town limits and 528.

Mr. Chaney requested a visual presentation when future presentations are being made on projects. Mr. Stoliker stated that this can be done in the future. Staff was trying something new by bringing these projects up now at the meetings to show the Board the present status of the projects and to get public input a little earlier than it has in the past. Staff will rethink this approach and we may go back to presenting to the Board only when approvals are needed.

**Fiscal Services Director.**

1. **Recognition/Acknowledgment of the Budget Status Report for September 30, 2008.**

Ms. Debbie Casaus stated that the funds that are currently invested in the State Treasurer's local government program are earning an interest rate of 1.71%. Although that is down, it is still good considering that a 91 day US Treasury bond is below ½%. General fund expenditures to date, through the end of September, amount to 14% of the total budget for the year. Included in the Board's packets are some inquiries of PERA, the New Mexico State Treasurer's office, and ICMA, who manages SSCAFCA's deferred comp program to give the Board an idea of where SSCAFCA's funds are and how it is doing in the current market. They are continuing to monitor the City of Rio Rancho's single family residential permits. That number is down by about 27% when compared to this same time last year.

Mr. Perry Baird stated that they had estimated SSCAFCA's property tax revenues for this budget year at 15% growth. SSCAFCA got a report that the tax base grew 14.6% and the tax revenue this coming year will be based on that 14.6%. For bonding purposes, staff has estimated 15% this year, 15% next year, and then 10%. They will watch this very carefully as SSCAFCA approaches its next bond issue.

Mr. Baird stated that Kevin Powers, SSCAFCA's financial advisor, told him that if the question came up about SSCAFCA's ability to sell bonds at rates anywhere near what they have sold at in the past, they will not be able to be sold as low as the last couple of bond sales. He stated that Mr. Powers estimated that SSCAFCA's next issuance could be one percentage point higher than the last sale, between 4 and 5%. Still a good investment because of the tax exempt status and the underlying rating from Moody's of AA3. Insurance is always an issue for the buyer of the bonds, not for SSCAFCA.

**ACTION/APPROVAL OF THE MINUTES OF SEPTEMBER 19, 2008.**

A motion was made by Mark Conkling to approve the Minutes of September 19, 2008 as presented. It was seconded by Steve House and passed unanimously.

**CHAIRMAN'S REPORT.**

1. Discussion of SSCAFCA Bond Election
  - a. Bond Brochure;
  - b. Fact Sheet;
  - c. Advertisement;
  - d. Postcards;
  - e. Neighborhood Associations;
  - f. All information is available on the SSCAFCA website – [www.sscafca.com](http://www.sscafca.com);
  - g. Video Presentation.

Kim Smith, of Edit House, passed out information to the Board. She stated that the work they have been doing in the last month has been focused on the bond issue and getting the information to the public. She has provided DVDs to the Board of a program that has been airing regarding SSCAFCA's history. They mailed out postcards to registered voters in Rio Rancho, which should have arrived on the 14th. They also mailed out postcards regarding flood control. There are about 250 yard signs to be put out in people's yards. Various other items to get SSCAFCA information out to the public were done, including TV ads. Next weekend at the Scorpions' home games, if SSCAFCA wants, it can have a table at the games to answer questions for the public.

As a member of the Chamber of Commerce Board of Directors, she stated that last month the Board was approached for endorsement from SSCAFCA, the Healthcare Initiative that is on the ballot, as well as the transportation issue that is on the ballot. All three issues were put out to the general membership before the board would give any recommendation or endorsement. The Healthcare Initiative did receive a favorable response of 60%. The transportation issue had a response of 64% in the affirmative. SSCAFCA had a response rate of 75% in the affirmative. There were only 28 people who responded, so it must be taken with a grain of salt.

Mr. Stoliker stated that he felt that Edit House has done a great job for SSCAFCA. Ms. Smith also showed the Board a short video that is being shown on cable in Rio Rancho.

Mr. Chaney stated that he felt that there should have been more emphasis on Watershed Park in the video.

Laura Davis stated that the brochure has been distributed to all public places. Included in the brochure are the district maps with information and, in some cases, photographs on the back. The progress time line was produced by Kim Smith. They have a list of neighborhood association meetings that were attended by staff, or brochures were delivered. In other cases, they emailed information.

Mr. Conkling stated that he was in front of several groups in the past month. He commended SSCAFCA staff for preparing all the materials for those presentations. All of the anticipated, although not promised, projects are laid out in the graphics.

2. Annual reporting to EPA on storm water management program activities is required as a condition for permit coverage under the current NPDES Phase II discharge permit. A draft report covering the activities conducted during the first permit year, from July 1, 2007 to June 30, 2008, is available to the public for review at the SSCAFCA office or from the website, [www.sscafca.com](http://www.sscafca.com). Public input on the report will be taken at the November 14, 2008 Board of Directors meeting and will be considered in preparation of the final report submitted to EPA.

Mr. Stoliker stated that NPDES stands for National Pollution Discharge Eliminations System and is a law that was passed by Congress several years ago. It was one way to reduce pollutants and it is administered by the EPA.

Trevor Alsop stated that SSCAFCA is in its second permit for this requirement and SSCAFCA qualifies as an MS4 for this system. SSCAFCA submitted for coverage under the permit in May 2007. The deadline for submission to qualify for coverage was October 2007. The first permit year starts in June to run with the fiscal year. A part of this is a requirement to have it available for public review before it is submitted to EPA. They wanted to take this opportunity to let the public know it is ready to be reviewed and SSCAFCA is ready to take comments.

Mr. Rudy stated that many of the entities that must comply with this law are in default. Mr. Alsop stated that there are about 6,000 MS4s in the country. In the general area, there is pretty good compliance. An MS4 stands for Municipal Separate Storm Sewer System and include different municipalities. Mr. Stoliker stated that there have been other governments within SSCAFCA's jurisdiction that did not submit their permits and Trevor is actually helping them with theirs.

Mr. Chaney opened the public hearing on SSCAFCA's storm water management program and asked if there was any public input on the program or the draft annual report or issues with SSCAFCA's handling of storm water quality within our jurisdiction. Copies of the report were available in the table in the back. No public comments were made. Dr. Rudy recognized that SSCAFCA was in a minority that was in compliance with this requirement. Mr. Chaney stated that the draft permit will be placed on SSCAFCA's web page and will be available to the public at SSCAFCA's office. Comments can be provided in writing and must be received by November 14 when SSCAFCA will again hold a public hearing for any comments on our draft annual report or on the program itself. Mr. Chaney closed the public hearing and continued with Board business.

**BOARD OF DIRECTOR'S COMMENTS.**

Mr. Rudy stated that over the past month he has attended many board meetings with MRCOG. One of the major activities is preparing a legislative request. It is time for SSCAFCA to prepare the same thing and he will be discussing this with staff over the next month. SSCAFCA needs to get ahead of the "peak" time period.

Mr. Steven Jerge, of the Town of Bernalillo stated that ESCAFCA just had a meeting this past Tuesday. They also have an aggressive marketing campaign going on for its bonds.

Mr. House stated that on every Tuesday he attends the partner meeting at the Chamber for the Board, which is the business community, etc. They are all very impressed with SSCAFCA's campaign and the information that has been put out there.

**ATTORNEY'S REPORT.**

1. Action/Acceptance of Bernalillo JPA.

Mr. Metzgar stated that the JPA that SSCAFCA was working on with the Town of Bernalillo is in the packet. The white area that is outlined is the Unnamed Watershed. SSCAFCA has worked with the Town of Bernalillo to get a Drainage Management Plan for that area. He drafted the JPA and sent it to Mr. Jerge

Mr. Steven Jerge, Town Administrator of the Town of Bernalillo, stated that this is one cooperative step with many to follow hopefully and with ESCAFCA coming into play the flood management issues can be addressed even better.

Mr. Metzgar stated that SSCAFCA is going to do the preliminary drainage improvements plan. The Town of Bernalillo is going to contribute half of the cost. It is anticipated that the Drainage Management Plan will show what is needed in the Watershed. Some Board members asked Mr. Jerge to go to the governing body to suggest a real name for the arroyo. Mr. Stoliker stated that the actual name of the arroyo, as named by government authorities, is the "UnNamed Arroyo." Mr. Jerge stated that he would come back with some names.

Barbara Rivera, a board member of the Rio Rancho Citizens Action Group, formerly known as SAD 7 Citizens Action Group, stated that this is her first SSCAFCA meeting. She wanted to comment on the brochure and stated that it was wonderful. She asked a staff member for copies to take back to her board and for members of her group. They want to work with the different entities to be a part of the community and the solutions.

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

2. Update on Wallen Agreement.

Mr. Metzgar stated that Wallen Park is located in the vicinity of 10th Street and 5th Avenue. The developers came to the SSCAFCA Board when they were proposing the development and asked the Board to approve their drainage plan. In the development, Wallen didn't follow what

SSCAFCA considered Wallen's obligations on the drainage. SSCAFCA and Wallen were in negotiations for quite some time and, because there was no real response by Wallen to SSCAFCA's requirements, SSCAFCA threatened a lawsuit. Wallen's attorney asked Mr. Metzgar to go to an early mediation without a lawsuit being filed, to which SSCAFCA agreed. The parties attended the mediation and, basically, SSCAFCA was asking for a certain amount of money because SSCAFCA had done some of the things Wallen had initially agreed to do.

Mr. Metzgar stated that it appeared to be a very successful mediation. Wallen had indicated at the mediation that they did not have funds available to pay SSCAFCA, but that Wallen would agree to provide SSCAFCA with a listing of all the lots that they had available to see if any of those lots would substitute for the money that was supposed to be paid to SSCAFCA. It turned out that there were a couple of lots that Mr. Stoliker indicated SSCAFCA could use for its flood control purposes and SSCAFCA agreed to accept the lots in lieu of money.

Since that time, Mr. Metzgar has been trying to get the mediation into a signed agreement between the parties, and get deeds from Wallen on the two lots. He had not been very successful and the reason is that he finally got an email from the attorney that a foreclosure action had been filed by Wallen's bank against Wallen in Sandoval County and these two lots were included in the mortgage. Initially, Wallen was trying to get those lots released from the mortgage to transfer them to SSCAFCA. The last information he had from Wallen's attorney is that they are still trying to negotiate with the mortgagee to get the release on those two lots.

Mr. Metzgar stated that the problem with SSCAFCA filing any kind of suit right now to try to get the money from Wallen is that they obviously have financial problems. SSCAFCA could go forward with a suit, but his recommendation is that SSCAFCA continue to wait to see if they can work out something on the foreclosure.

Mr. Conkling stated that Mr. Metzgar should share the plight of both parties with the Bank's attorney and inquire about getting deeds on these lots. Mr. Metzgar stated that he will get in touch with the attorney who filed the foreclosure action and inquire of a possible settlement.

Mr. Yarbrough asked if there were any lots that Wallen had that were not affected by the foreclosure that SSCAFCA could use. Mr. Metzgar stated that he suspected that everything is included in the foreclosure. In addition to that, Wallen provided SSCAFCA with a list of all the lots that Wallen owns. SSCAFCA didn't find many of them that could really be used by SSCAFCA. Mr. Chaney asked if a lien could be filed. Mr. Metzgar stated that SSCAFCA does not have any kind of lien right at this time. SSCAFCA would have to get an actual judgment before filing a lien, and then it would still be second to the mortgage.

3. Action/Acceptance of Amendment No. 2, Ditch and Water Safety Task Force.

Mr. Metzgar stated that the Ditch and Water Safety Task Force needs approval from all members of the task force to the Amendment. SSCAFCA is a member. It is a very minor issue, but it must be done. Sandoval County is coming into the task force. SSCAFCA is actually approving Sandoval County becoming a member of the task force. He recommends approval.

A motion was made by Mark Conkling to approve Amendment No. 2 as presented. It was seconded by Donald Rudy and passed unanimously.

**PUBLIC FORUM.**

Ron Reader stated that he is a resident of Corrales and lives close to the Harvey Jones Channel. Rainstorms occurred last Saturday around 1:30 p.m. and at 4:30 p.m. he took some photographs of the Harvey Jones Channel. The flow was not very heavy at that time, but some of the troublesome aspects of the channel design were visible. The first photograph being circulated was taken about 60 yards upstream from the Corrales Road Bridge looking east. It shows the flow slowing dramatically at a point well upstream of the bridge. This could cause sediment to settle upstream of the bridge and might actually block the channel. The second photo was taken from about 20 feet southwest of the bridge looking northeast. All of the water flow was in the north box culvert. There was no flow in the south box culvert. This is likely due to the 39 degree curve in the channel. If such a flow of symmetry also exists at higher flow rates, it will reduce the flow capacity at the bridge. The third photo shows the outflow area of the channel two days after the rain. There were about two acres of stagnant water. The water was still there this morning when he looked.

Mr. Reader stated that the Board has been aware of this problem for years from studies and flood events and has plans to try to address them in the future. However, the current ICIP forecasts that the engineering work to improve Corrales Road Crossing will not be completed until 2013. The construction phase is too far in the future to appear in the ICIP and is unlikely to be complete until 2015. With the current channel design, a 100 year flood constitutes a life threatening event. Because of this he strongly urges the Board to immediately allocate funds to create an emergency action plan (EAP) for the Harvey Jones Channel to be completed by the end of 2009. SSCAFCA should be lead agency and work with other entities to create a plan.

Mr. Reader stated that he has discussed the concept of an EAP for the Harvey Jones Channel with the Corrales Fire Chief. He is generally in favor of it, especially if it will reduce the workload of his staff in a flooding situation. Of course there will be costs for creating a plan, which will be small when compared to fixing the Harvey Jones Channel crossing. He has not yet submitted his proposed plan to the staff. Mr. Chaney stated that if the bond passes, SSCAFCA has considerable flexibility when putting the funds to use. He stated that this has been a festering wound since the formation of SSCAFCA.

Susan Barton, Chamisa Estates Neighborhood Association, stated that she thinks the brochure is excellent, but there is possibly one mistake. District 6, in the blue and part of the proposed bond projects, and according to the colors, the orange doesn't go into the area. District 6 goes almost to Northern Boulevard and District 4 is on the southern part of the arroyo. The southern boundary of District 6 is the Lomas Negras Arroyo. Mr. Chaney stated that the District 6 page tries to clarify the difficulty in putting in the colors on the brochure.

Susan Barton stated that on the draft of the storm water management program, she had a question on the construction site runoff control page and asked if this would mandate the individual developers having to conduct contractor training courses. She knows the big contractors have to go to this course, but she asked if the individual builders would have to do so as well. Mr. Stoliker stated that they are not mandatory at all. The whole idea is to offer the courses to the public. If the



contractor doesn't want to learn how to do it right, they will be fined. Generally, the contractors are very happy to come to those courses because it saves them money in the long run.

Cheryl Ganch stated that the information regarding the SSCAFCA bond issue is very impressive. She is concerned that ESCAFCA has a bond issue that will increase taxes and SSCAFCA's will not. With much of the public not aware of the difference, there may be some confusion. She mentioned other concerns that she had.

In response to a question of damage from the recent rains, Mr. Stoliker stated that two weekends ago he went out and met with some of the people at the City. They had a list of about 20 different roads that they were working on. He estimated the cost at \$50,000.00 of staff time. If it was done by the private sector it could cost as much as \$250,000.00. All of SSCAFCA's facilities held in the recent rains, save one water quality facility not constructed by SSCAFCA. The water quality facility at the end of the Venada was inundated and busted out one of the berms. The last weekend's rain added more sediment. Harvey Jones functioned pretty well. Different areas recorded up to 2" of rain in a 24 hour period. There was six feet of water in the Sportsplex Dam facility.

Barbara Rivera stated that she was able to retain a lot of the rain on her yard simply by using landscaping and rain barrels.

**FOR YOUR INFORMATION.**

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

1. September 21, 2008 newspaper article "Vote 'no' on bonds".
2. September 26, 2008 newspaper article "City Council Backs Flood Board's Plan".
3. September 30, 2008 correspondence from the Office of the State Engineer regarding extension of time to complete EAP and O&M manuals.
4. October 1, 2008 newspaper article "Residents Can See Flood Plan".
5. Resolution from the Sandoval County supporting SSCAFCA's bond.
6. Resolution from the City of Rio Rancho supporting SSCAFCA's bond.
7. The following properties were purchased in September:
  - : Tributary A – (Habitat area); the property described as Unit 10, Block 33, Lot 28 has closed. Now waiting for the recorded deed;
  - : Lisbon Dam; Unit 11, Block 35, Lot 29 (Second lot for Suikowski) is in the final process to close.
8. October 15, 2008 newspaper article "Rudy Unopposed for Flood Board".

**OTHER BUSINESS.**

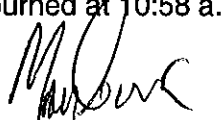
**BOARD OF DIRECTORS REGULAR MEETING**

**OCTOBER 17, 2008**

- Early voting began October 7th in Bernalillo and will begin on October 18th in Rio Rancho.
- Executive Committee Meeting on October 28, 2008 at 9:30 a.m. to discuss Tributary 'A' motocross park concept.
- Board meeting on November 21, 2008 at 9:00 a.m. will be CANCELLED.
- Special Board Meeting on Friday, November 14, 2008 at 9:00 a.m.

**ADJOURNMENT.**

A motion was made by Mark Conkling and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:58 a.m.

  
JOHN CHANEY  
CHAIRMAN

STEVE HOUSE  
Secretary

  
DATE APPROVED: 11/14/08

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