

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF NOVEMBER 20, 2009
BOARD OF DIRECTORS REGULAR MEETING**

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 9:05 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, and Dub Yarbrough. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present. Donald Rudy arrived at 9:10 a.m. Steve House was noted as absent.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Mark Conkling.

APPROVAL OF AGENDA.

A motion was made by John Chaney to approve the Final Agenda as presented. It was seconded by Dub Yarbrough and passed unanimously.

ANNOUNCEMENTS.

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

STAFF REPORTS.

Executive Engineer:

1. Action/Approval of Resolution 2009-17 Notice of Bond Sale
: Revised Series 2010 Proposed Bond Projects.

Mr. Stoliker stated that the Board had a draft resolution in its packet and that Tommy Hughes is going to take the Board through the final resolution. Tommy Hughes, SSCAFCA's bond counsel, stated that the action item is approval of the notice of publication of the bond sale. The difference this time is that in addition to issuing \$4.5 million of new money, SSCAFCA is going to re-fund portions of two of its prior bond issues. By doing this re-funding, it will save some interest on the bonds. The bonds also will not be considered outstanding and will be taken off the books. Mr. Hughes also stated that instead of a good faith deposit to a company, because of problems with

insurance companies, they will have a bid award deposit so that the winning bidder will give SSCAFCA a good faith deposit prior to the meeting. That will allow for more people to bid and should improve the results. The sale will be held on January 20, 2010.

Mr. Chaney moved approval of Resolution 2009-17 as presented. It was seconded by Dub Yarbrough. Roll call vote: Mark Conkling, yes; John Chaney, yes; Dub Yarbrough, yes. The motion carried 3-0.

2. Presentation/Approval of Sierra Vista West Facility Plan.

Mr. Stoliker stated that they are not asking for approval of the facility plan, because that has been given before. Staff wants the Board to see the infrastructure and right-of-way acquisition that staff wants to put on its Capital Improvements list.

Jarrod Likar, of Huitt-Zollars, stated that this is the culmination of the Edinburgh Facility Plan. The basin comprises approximately 387 acres. The first facility plan was just north of Northern Boulevard and east of Unser Boulevard bound by Paseo del Volcan on the north side. There is a directive in the Edinburgh Facility Plan to redirect a portion of that basin into the Sierra Vista West basin. This plan includes the City of Rio Rancho planning document for zoning, which included residential, commercial and industrial zones. When this basin develops, it will be ready to go as far as how the City wants it developed with different zonings. There are also several arterial roads that will be in the basin; one which is part of the acquisition that was done by the City with the Unser Project. They attempted to move that road into the middle of the basin to the flow line, however, the City can only have cul-de-sacs that are a certain length, and that is why the road is in that location. He stated that the pipeline will go down the middle of the basin and will connect two different ponds that will ultimately discharge into the Montoyas Arroyo. The shaded area is the diversion from the Edinburgh Facility Plan into the Sierra Vista West Facility Plan. The two ponds and the right-of-way acquisition for the pipeline are included in the numbers. The construction of the pipeline is estimated at \$4.4 million. Twenty one acres of right-of-way acquisition at \$100,000.00 per acre will also be required for a total of \$6.5 million. Drainage impact fees that could be generated in this basin are \$2.6 million, which can be put back into the construction of the project and help bring the cost down.

Mr. Likar stated that the timing of the impact fees and the timing of the expenditures is something that will have to be done between the City of Rio Rancho and SSCAFCA at the time that this moves forward to final construction. Mr. Conkling stated that impact fees won't be due on any lot until there is construction on that lot. Consequently, it could be years before those fees come in. Mr. Likar stated that is correct and there would have to be some sort of understanding between the City and SSCAFCA on the cost and there is no guarantee that the entire amount of money would be infused into the project down the line. Mr. Yarbrough asked how many acres would

be acquired. Mr. Likar stated that 21 acres will be acquired. His estimate of \$100,000.00 per acre is conservative. Mr. Stoliker stated that if someone comes in and builds in the pond area, then SSCAFCA's problem is exacerbated. There is a timing issue and a funding issue with this project. SSCAFCA needs to get the right-of-way acquisition going before anybody builds, and this cost would have to be advanced by SSCAFCA or the City.

Mr. Likar stated that there is no sandy bottom arroyo in that area, but the pipeline will be put in the flowline of the area. Mr. Conkling asked if the pipeline could be eliminated and some open space be created for the public. Mr. Likar stated that there could be stuff that can be put on top of the pipeline. The way the City wants this to develop, it could be discussed to leave it natural, but it would be a better solution to put the pipeline in. It would be cheaper to leave it naturalistic as open space, but because of the need to put a LEE line on it for meandering, the cost for the acquisition of lots would go up. Mr. Stoliker stated that the reason it comes out of a pond is that it is clean water and is very "hungry" for soil. It would erode right below the pond and that is the reason for the pipeline. Mr. Likar stated that the lots are 80 feet wide and are ½ acre.

Mr. Stoliker stated that it is obvious that the impact fees are not high enough even though this should be a self-contained drainage unit that should pay entirely for all the drainage within it. If the impact fees were triple, they would be where they need to be for this sub basin. Mr. Chaney stated that SSCAFCA should make the approval of the Plan contingent upon the City increasing the impact fees and making sure they apply to this project. Mr. Conkling stated that the City and SSCAFCA have been discussing for some time the application of drainage impact fees to various projects. Whenever there are projects where the impact fees for the contained area are insufficient, then they are on notice that it is regional. What it does in that area really affects more than that area insofar as the overall structure of drainage in Rio Rancho. It is a big issue. The lots along where the pipeline are now are flagged with the City so that should there be activity in that area, SSCAFCA is notified and will have the opportunity to either lease or buy the property.

Mr. Rudy asked who gets washed out if this is delayed. Mr. Stoliker stated that it is anyone that builds in the flooding areas without taking the proper precautions. Before SSCAFCA was formed, people were building in all the lots. As development progressed, those buildings in the low areas started to be flooded. An example is the extra runoff that ran into Corrales upsetting the residents there. A second point to consider though is that if somebody builds in the low area or in a playa, it is the responsibility of the builder to build so that they are protected.

Mr. Metzgar suggested that prior to making a motion to approve this Plan that it not be contingent on raising the impact fees because every planning document is contingent

automatically whether SSCAFCA gets the money or not. His suggestion is to approve it as a planning document and not place any contingencies on it.

Mr. Likar stated that these facility plans are the first step in getting out in front of development and having some document that gives SSCAFCA and the City the "hammer" if someone comes in for redevelopment. The public would then know what they would have to do before building on the property.

A motion was made by Donald Rudy to approve the Sierra Vista West Facility Plan as a planning document. It was seconded by Dub Yarbrough. The motion carried 3-0, with one abstention.

3. Presentation/Approval of Village of Corrales Salce Park Concept and Drainage Plan Synopsis.

Clint Dodge, of WHPacific, stated that this is a project that was started quite some time ago at the request of the Village. He pointed out the projects and boundaries of the site. The problem with Salce Park and the reason there is a drainage issue is the sediment. The flow today that runs into Salce Park is coming from the Village, once the Dam 1 pipeline cut off flow from Dam 1. They came up with two drainage concepts; a park without a pond and a park as a pond.

Liz Reardon, of Morrow, Reardon, Wilkinson, Miller Landscape Architects, stated that both concepts for the park are based on the program requirements as presented by the Village and its Parks and Recreation Commission in June 2008. The first plan is a park without a pond and would be contingent on the drainage being handled upstream of the park. The park is divided by an existing road that runs through the park. They would provide parking and a play area. It is surrounded by a jogging trail and they do have fencing around the perimeter of the park. The existing fencing will be left in place and horse fencing around the rest of the park. The trees in the park will focus on not blocking views to the mountains beyond. A big part of the park is an open area for recreational play.

Ms. Reardon stated that the second option shares the water storage on the park. There is a pond on the north, but it is smaller because there is overflow into the south side of the park. This is similar to what was done in Roskos Field. In terms of the park, the single pond is a little less expensive because the dual pond is more square footage. In terms of drainage, it may be a trade off. Mr. Dodge stated that it would be a wash.

Mr. Dodge stated that they used a land artist to help with some concepts and is an outgrowth of what was done at Sunset Pond where native stones were used as an energy dissipater. The idea started a long time ago doing the watershed plans of

adding community value, getting grassroots for drainage and bonds. The idea was to use these structures as the flood control in a patterned way that wouldn't look like engineering. The park without a pond does not have any runoff into it. Corrales does have an ordinance that requires on-lot ponds and no precipitation leaving the site. It is unevenly implemented and there is not a program to make sure that every lot has a functioning properly sized pond. As a consequence, there is runoff. He stated that the second option is to collect the runoff, put it into the pond via storm drains and paved streets and then drain it out very slowly to Loma Larga, picking up the rest of the Salce basin as it goes.

Mr. Dodge stated that this system in total costs about \$5.6 million, not counting the property of Salce Park, but includes three to five acres of property in the area. The implementation plan for the drainage is to decide how to do it. They estimated a \$90,000.00 per year, as a high end, to verify and administer on lot ponds in the Salce basin. In either of the examples, the park is in the neighborhood of \$700,000.00.

Mr. Stoliker stated that it has traditionally been that SSCAFCA focuses on regional facilities. SSCAFCA has avoided flows below 500 cfs simply because of the vast amount of work to be done at this level and the higher protection afforded by this level of effort. Mr. Conkling stated that SSCAFCA perceives this as having regional impact and has taken the lead in designing alternatives. It is up to the Village when to do any part of the project. There is some money from the bond issue and SSCAFCA talked about how to get the money to Corrales to do part of the project. An approval of the concept is an approval of the vision within which Corrales would work. The money itself would be worked out through a Joint Powers Agreement. He stated that today they are asking for approval of Mr. Dodge's work to chart a course of action for the Village, with the one caveat that this needs to be transferred to the Village. Mr. Yarbrough stated that several years ago, the Village and SSCAFCA signed an agreement that SSCAFCA would do the drainage study on the escarpment from the Thompson Fence down. In turn, any improvements would be up to the Village. Mr. Conkling stated that the agreement, while still in place, has been modified by discussions on the bonding because potential Corrales projects were listed. Many of the supporters in Corrales came to SSCAFCA's support because of the expectation of work being done in the Village with bond funds.

Mr. Stoliker stated that in the original agreement, SSCAFCA offered to help fund an enforcement person for the on-lot ponding, which would be jointly funded and could be worked into the budget. This was never pursued, but it could be. He would like to work out a Joint Powers Agreement to provide the funding to the Village to work on the drainage portion of the pond, and also work on an enforcement issue and help fund it. Mr. Dodge stated that projects and problem areas that were defined in 1998 are still problem areas. In this example for on-lot ponds, they guess that it takes \$70,000.00 to \$90,000.00 for administration to ensure that everybody is protecting their downstream

neighbor versus the \$5.6 million. The caveat to that is that pretty much everybody has to do it. The cost is not directly proportional to the number of lots that you have. The idea is to explore different ideas with the Village as to how it will spend the money that SSCAFCA gives them. Mr. Rudy stated that this should be a regional concept that should apply to SSCAFCA's entire jurisdictional area. It will have an even greater impact if this is done in the plateau areas. Mr. Chaney stated that this is an issue where SSCAFCA is getting into a "policing business" rather than flood control. There is also a jurisdictional issue. Mr. Conkling stated that they are simply looking for approval of the concept of the plan.

A motion was made by John Chaney to approve the Village of Corrales Salce Park Concept and Drainage Plan Synopsis as presented. It was seconded by Donald Rudy and passed unanimously.

4. Action/Approval of Cancellation Notice of Regular Board Meeting on January 15, 2010 and Notice of Special Board Meeting on January 4, 2010 at 9:30 a.m.

Mr. Conkling stated that the regular Board meeting of January 15, 2010 is being cancelled because the meeting for the bonds is being held on January 20, 2010. A special board meeting is being scheduled for January 4, 2010.

5. Discussion of Recognition of Outstanding Developments:
 - : Cabazon
 - : Mariposa

Mr. Conkling stated that there have been developments in recent years where the development group has been particularly cooperative with SSCAFCA for coming up with the best possible solutions for drainage. These projects are Cabazon and Mariposa. The Board would like to find a way to recognize this behavior so that it spreads to other developers.

Trevor Alsop stated that a big component of the Cabazon project was the channelization of the East Branch Channel and the Black Arroyo. Innovative landscaping adjacent to the channel runs right through the community. The trails on both sides of the channel are used frequently. Cabazon Park is fairly centered in the middle of the development. A part of the park is the Tract 17 Pond, which is a multi-purpose facility. He showed slides of the amenities of the developments. SSCAFCA would also like to see some of the erosion control measures in Mariposa used elsewhere.

Mr. Rudy stated that it is always a good idea when SSCAFCA has cooperative interactions and public recognition is always a good idea. Mr. Chaney stated that a distinction could be made with the more rural, naturalistic approach like in Mariposa and a more urban approach like in Cabezón. It was the consensus of the Board for staff to proceed as requested.

6. Notice of Workshop at Enchanted Hills Elementary School at 5400 Obregon Road Saturday, November 21st from 10:00-12:00 Presented by SSCAFCA and Soilutions, Inc.
 - : Presentation of Erosion Video (approx. 20 minutes);
 - : Obregon Pond Dedication Proclamation.

Mr. Stoliker stated that there was flooding in the Enchanted Hills Elementary School in 1998 or 1999. In this same time frame, the bridge across Saratoga was put in and the pipeline at Obregon. The last piece to protect the school was Obregon Pond. It is now done. As part of that, a video was made on how to do some erosion control for the public who lives in the area.

Kim Smith, of Edit House, stated that they have developed a couple of things that are designed to teach property owners how to take care of themselves and not depend on a governmental entity to take care of runoff problems from their property. The workshop starts at 10:00 a.m. They invited everybody by postcards that went out this week.

The video was played for the Board. Ms. Smith stated that the pond will protect the school and also serve as a demonstration area where the public can go and see some of these techniques, as well as have the video, which will be available online. They have been asked by KRQE to shoot some footage of the workshop and this will most likely generate a news story tomorrow evening.

Mr. Conkling asked her to also make this video available to the Village of Corrales so that they can distribute it as they like.

Mr. Rudy stated that he was impressed with the video and the presentation, but he felt that it spent a lot of the emphasis on the kind of thing that SSCAFCA does at a small engineering level. This is a great lead in to doing a follow up on how the public can put a swale on their own lots.

Laura Davis prepared a proclamation as a final step of the Obregon Pond Project. She read the proclamation to the Board and received general approval from the Board. It will be placed on the wall and will save money instead of a dedication ceremony.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for October 31, 2009.

Debbie Casaus stated that SSCAFCA is about 33% through the fiscal year. Expenditures for the general fund are at 29.5%. SSCAFCA won't have a good picture of revenue until January. The \$1 million CD with First Community Bank matured and SSCAFCA received about \$13,000.00 interest at 2 1/4%. SSCAFCA chose not to renew it because those funds will be used in the near future.

Mr. Conkling stated that the items mentioned by the auditor regarding inventory and new ways of knowing the value of items owned by SSCAFCA have been started on by SSCAFCA staff. Mr. Stoliker stated that SSCAFCA has already raised the inventory requirements from \$1,000.00 to \$5,000.00.

CHAIRMAN'S REPORT.

- Annual reporting to EPA on storm water management program activities is required as a condition of permit coverage under the current NPDES Phase II discharge permit. A draft annual report covering the activities conducted during July 1, 2008 through June 30, 2009 is available for review by the public at the SSCAFCA office or from the website, www.sscafca.com. Public input on the draft report will be taken and considered in preparation of the final report submitted to EPA.

Trevor Alsop stated that in last month's meeting SSCAFCA gave the public the opportunity to comment on its annual reporting, which is a requirement for its permit to discharge storm water to the Rio Grande. Right now is another opportunity to speak up regarding SSCAFCA's report.

The Chairman opened the floor to receive public comment on the draft report to the USEPA.

Ron Reeder, a Corrales resident, asked if there was anything going on with the EPA that would have an impact on some of SSCAFCA's facilities. Mr. Alsop stated that discharges upstream are part of the program right now. All of SSCAFCA's discharges fall under the permit requirements. These permits were put together before the Albuquerque Water Authority's project to take drinking water from the Rio Grande. The treatment plant is capable of treating any of the water that gets to the treatment plant. There may be more focus put on this issue in future permits, but the EPA right now basically controls storm water pollution for all the discharges to the Rio Grande. Mr. Stoliker stated that the EPA is switching from fecal coliform to E coli as bacteria of choice

that the EPA wants to monitor. Right now, SSCAFCA is above the standard. Mr. Rudy stated that the EPA regulations are only going to get more stringent and the fact that SSCAFCA is in the forefront is great.

No further public comments were received and the Chairman closed the public hearing on the draft report.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Rudy stated that he attends the Council of Governments Board meetings and the Executive Director, Lawrence Rael, has resigned.

COMMITTEE REPORTS.

Mr. Chaney stated that the Personnel Committee had looked at revamping titles and responsibilities amongst some of the employees. They have determined that there should be some new directors within the scope of the organization. These provide for an upgrade in job description and eventually these directors will have people working under them. Field Services Director is Jim Service. Development/Design Services Director is Ralph Montoya. Environmental Services Director is Trevor Alsop. Eventually SSCAFCA will have an Administrative Services Director. That department should be determined by the new Executive Engineer when he or she is hired.

Mr. Conkling stated that the Executive Committee looked at recommendations from personnel, along with other ongoing land acquisition planning and leasehold offers.

ATTORNEY'S REPORT.

Mr. Metzgar stated that a Sonora Pond Drainage Project case was settled on a gentleman who owned a tract there who was deceased. A personal representative was appointed who was able to negotiate and they accepted SSCAFCA's appraisal with no increase at all. That is being closed.

Mr. Metzgar stated that on the Lisbon Dam project, he entered a default judgment on a case. He knows that the owner of the tract, a person by the name of Gilman, is deceased, but none of the heirs have been traced. In this case, the amount of money that was put in the court registry remains there for somebody to come forward in the future to make that claim and take out the money.

These two properties are now owned by SSCAFCA.

FOR YOUR INFORMATION.

BOARD OF DIRECTORS REGULAR MEETING

NOVEMBER 20, 2009

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

1. Town of Bernalillo Council will take action on the Unnamed Arroyo Watershed Management Plan on Monday, November 23rd at 6:00 p.m.
2. Wellspring Avenue Infrastructure Mylars in Cabezon were signed on October 29, 2009.
3. Steve Gardner, Senior Drainage Engineer, resigned on November 9, 2009.

PUBLIC FORUM.

Cheryl Ganch stated that there was a video done several years ago on drainage and is at the library. SSCAFCA might want to put it on its website as well.

Mr. Chaney stated that Mr. Yarbrough has suggested that before SSCAFCA finalizes the new administrative team, that the full Board look at it and take comments. That will be put on the next agenda.

OTHER BUSINESS.

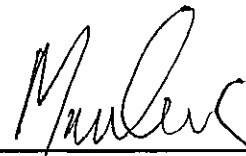
- Next Regular Board Meeting is on Friday, December 18, 2009 at 9:00 a.m.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:10 a.m.



STEVE HOUSE, SECRETARY



MARK CONKLING, CHAIRMAN

DATE APPROVED: January 20, 2010