

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JANUARY 20, 2010
BOARD OF DIRECTORS SPECIAL MEETING**

CALL TO ORDER.

The special meeting of the SSSCAFCA Board of Directors was called to order by Mark Conkling, Chairman, at 2:00 P.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were Mark Conkling, Steve House, Donald Rudy and Dub Yarbrough. John Chaney was noted as absent. Bernard Metzgar, SSSCAFCA's attorney and David Stoliker, Executive Director, were present.

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

Announcements were made by Mark Conkling that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

STAFF REPORTS.

Executive Engineer:

1. Recognition of Excellence in Design Slide Show
 - : Cabazon Communities – Curb, Inc. North;
 - : Mariposa – High Desert Investment;
 - : Presentation of Awards by Chairman.

Mr. Stoliker stated that SSSCAFCA is very pleased to have developments such as Cabazon and Mariposa in its jurisdiction. Mr. Conkling stated that it has been several years since SSSCAFCA looked at its mission in terms of the quality of life impact on the arroyos. The Board came to the realization that SSSCAFCA will possibly have the longest park in the State of New Mexico which will enable trails and camping areas to be built along the arroyos.

Trevor Alsop stated that Cabezon has the East Branch Channel that was lined with colored shotcrete with trails on either side. It is referred to as a linear park for the residents. Cabezon was also able to preserve some open space to the side of the channel which is natural vegetation. Included in the development is a very large park and a multi use facility which is a drainage detention facility and a sports field.

Trevor Alsop stated in Mariposa, in the far north portion of Rio Rancho, is a series of very natural detention ponds that convey flow in a controlled manner. The ponds are all connected by a trail and offers convenient access to the people who live there.

Mr. Conkling stated that the awards are symbolic since they are not cash awards. They are awards of appreciation for the cooperation and the mindful, careful use of land that still preserves SSCAFCA's drainage requirements. Mr. Conkling presented Curb, Inc., North with its award. Bo Johnson, of Curb North, thanked SSCAFCA on behalf of Curb and extended their appreciation toward SSCAFCA for its professionalism.

Mr. Conkling presented Mariposa with its award. Doug Collister, of Mariposa, thanked SSCAFCA for the award and extended their appreciation toward SSCAFCA for its professionalism. Jack Eichorn, Senior Vice President also thanked SSCAFCA for its service to the public. He stated that only about 10% of the development is complete, so they will definitely be back to work with SSCAFCA.

Several others spoke with regard to how wonderful it was to work on these projects. Mr. Stoliker stated that Mariposa will be doing all the operation and maintenance of the landscaping through an agreement reached with SSCAFCA. This is a tremendous cost saver for SSCAFCA. With respect to Cabezon, all of the water quality for the entire Black Watershed is being handled by improvements made by the Cabezon development.

2. Presentation of \$4,500,000 2010A and \$2,445,000 2010B Bond Bids:
 - : Receive Bids and take official action awarding the \$4,500,000 2010A and \$2,445,000 2010B, General Obligation Bonds to the bidder submitting the best bid;
 - : Action/Adoption of Resolution 2010-6 Approving the issuance of \$4,500,000 Series 2010A and \$2,445,000 Series 2010B General Obligation Bonds.

Mr. Kevin Powers, of RBC Capital Markets, stated that there was a bond sale today at 11:00 a.m. They used the same process SSCAFCA has used for other recent bond sales. There were five bids. Robert W. Baird was the best bid at 3.29%. Morgan Keegan was at 3.31%. Samco Capital Markets was at 3.33%. Viting Sparks

was at 3.41%. Calles & Co. 3.45%. Robert W. Baird is no relation to Perry Baird. They were able to cut the bond issue size down a little bit. The initial bid was \$6,945,000. They ended up only needing \$6,860,000. The refinancing amount needed was less because the bidder constructed their bid in such a way that they generated a fairly large cash premium which saves on the amount of bond money needed. The total interest on these bonds will be \$1,988,946. One of the fine outcomes of this particular transaction is the refinancing of some of the older bond sales that had higher interest rates. They restructured some of the debt to allow for easier issuance of debt service. This saves \$88,500.00 in future debt service payments.

Mr. Powers stated that SSCAFCA started out at A2 for its rating, which is a middle rate category. It went up to the high end of the A category in 2005. In 2007, it bumped up into the second highest category, AA3. SSCAFCA has been able to maintain that even through the stale economy. SSCAFCA does enjoy the highest Moody rating of any political subdivision in Sandoval County. The bidders have placed their bids, and they are subject to Board approval, which is the adoption of the Resolution.

Mr. Tommy Hughes, of Hughes Law, SSCAFCA's bond counsel, stated that the Resolution 2010-6 memorializes everything just presented by Mr. Powers and awards the bonds to Robert Baird and Company. It also sets forth the interest rates and the premiums. It provides that the bond proceeds of \$466,913.99 will go into the Series 99 fund to refund them. There will be an escrow agreement with Bank of Albuquerque to deposit funds with them. At that time, the 2001 bonds will no longer be outstanding. The amount of \$4,685,780.90 will go into the project fund, less the expenses of the sale.

A motion was made by Dub Yarbrough to adopt Resolution 2010-6 as presented. It was seconded by Donald Rudy. Roll call vote: Mark Conkling, yes; Steve House, yes; Donald Rudy, yes; Dub Yarbrough, yes. The motion carried 4-0.

3. Action/Approval of Professional Services Agreements for:

<u>Engineering</u>	<u>Surveying</u>	<u>Appraisal</u>
Bohannon Huston, Inc.	Bohannon Huston, Inc.	Shipman & Foley & Assoc.
Huitt-Zollars, Inc	Huitt-Zollars, Inc.	Timothy J. Holzhauser & Assoc.
Wilson & Company	Wilson & Company	
GND, LLC	Surv-Tek	
Stantec Consulting	Community Sciences Corp.	
WHPacific		

Mr. Conkling stated that the Executive Engineer has indicated that the above-listed companies have been performing ongoing services for SSCAFCA.

A motion was made by Steve House to approve the professional services agreements as listed. It was seconded by Donald Rudy and passed unanimously.

4. Action/Approval of Renewal of Financial Consultant, Perry Baird.

Ms. Debbie Casaus stated that Perry Baird would like to continue with SSCAFCA with reduced hours at a maximum of 15 hours.

A motion was made by Donald Rudy to approve the renewal of financial consultant, Perry Baird as presented. It was seconded by Steve House and passed unanimously.

5. Recognition/Acknowledgment of the Fiscal Services Report for December 31, 2009.

Ms. Casaus stated that for the month of December interest rates continued to be low. On the bright side, for general fund expenditures, SSCAFCA is at 42.3% of the total budget and is 50% through the fiscal year. For the year ended 2009, the City of Rio Rancho issued 688 individual family residential permits. That number is pretty much in line with last year, but is down about 4%.

A motion was made by Donald Rudy to acknowledge the fiscal services report for December 31, 2009 as presented. It was seconded by Steve House and passed unanimously.

6. Action/Approval of Enchanted Hills Dam #1 O & M Manual & EAP Preparation Task-Order in the amount of \$42,825.65.

Mr. Stoliker stated that there is a task order to do the O & M on Dam #1 and Emergency Action Plan. By state requirements, SSCAFCA is required to have these plans. The amount of the task order is \$42,825.65. Jarrod Likar, of Huitt-Zollars, stated that this is the final dam in a series of dams that protects the Enchanted Hills Subdivision. With the O & M manual and EAP, they are implementing written down instructions so they know what they need to look for when they are maintaining the dam and what actions would need to happen given a catastrophic storm that would overtop the spillway.

A motion was made by Steve House to approve the Enchanted Hills Dam #1 O & M Manual and EPA Preparation task order as presented. It was seconded by Donald Rudy and passed unanimously.

7. Action/Approval of Sugar Pond Outfall final design, bidding and construction phase services task-order in the amount of \$62,000.

Mr. Stoliker stated that WHPacific will complete the design for the outfall for Sugar Pond. It will be bid and constructed with this task order. The money in the bonds today, about \$500,000.00 of that, will go toward constructing the outfall of Sugar. This is for the design fees for that project.

A motion was made by Steve House to approve the Sugar Pond Outfall final design task order in the amount of \$62,000.00. It was seconded by Donald Rudy and passed unanimously.

8. Presentation/Acceptance of Village of Corrales Escarpment Drainage Report.

Mr. Stoliker stated that SSCAFCA has three projects in the Village: Salce Park, the escarpment and the Westside Report. The Board accepted the Salce report a month or so ago. Staff is asking that the Board take the information from the presentation and let staff bring in the third report before any action is taken. He would like to get all three together and have a meeting with the Village to decide what steps to take next.

Mr. Clint Dodge, of WHPacific, stated that this project is part of the ongoing west side work that SSCAFCA agreed to do in 1999. The red facilities on the map are SSCAFCA facilities. On the 1999 report, there were several regional facilities that were recommended and they have been completed and are shown in the white boxes on the map. The blue on the map are problem areas that were identified in the 1999 report. Most of them are still problem areas today. The area is steep and has a lot of local erosion and the problems are almost all local caused by rainfall. The idea was that there is an outfall and the water can be put into a pipeline and taken into the Montoyas. There were plans to pick up the water and put it into the existing Pans Pond but SSCAFCA never had the money to accomplish that.

Mr. Dodge stated that they looked at two alternates. One was a local infrastructure plan to put in storm drains, pave the streets, pick up the water and put it into the pipeline. That cost is about \$1.3 million. The scary thing about this choice is that if you extrapolate that cost to the entire westside, it will be \$40 to \$60 million to put in that infrastructure to deal with the drainage. Mr. Stoliker stated that he has promised the Chairman that they would do the swale with maintenance funds. There is a small task order between WHPacific and SSCAFCA to help pay for the maintenance contractor to get it built. Mr. Stoliker stated that the facility might be so steep that it needs concrete work and that is what the task order is for.

Mr. Dodge stated that the second option they looked at was the on-lot pond option which has been discussed before. There is a Village Ordinance but it is not uniformly implemented. There are properties that were there prior to 1999 that were

grandfathered in as well, and there is still a lot of local erosion in the area. They estimated it at \$3,000 to \$5,000 to construct a pond on the property. For those who are building a new house, they must build it as part of their site work. For the older properties, getting them to build them is more problematic. They are proposing a pilot program, the idea of which is to develop a program that would include the public relations needed to get a successful program in place that would ensure that every lot had a pond on it. This would alleviate the erosion and the other problems in the area. The estimate is \$150,000.00. They propose that SSCAFCA fund it and jointly administer it with the Village. He has not spoken with the Village about this concept. The recommendation is that SSCAFCA adopt the plan and fund the administration of the pilot program.

Mr. Yarbrough stated that SSCAFCA originally had an agreement with the Village of Corrales that SSCAFCA would fund the engineering on the escarpment and do all necessary engineering north to south and west to east and Corrales would do the construction. He hopes that the agreement is still in force. Mr. Stoliker stated that the original 1998 report was signed by both parties and said that SSCAFCA would do the work up on the escarpment and all the blue on the map would be done by the Village. SSCAFCA completed its part. The Village has not kept the pace. SSCAFCA decided to revisit the issue because there has been a tremendous amount of turnover in the Village. As part of these projects, staff and WHPacific have looked at the issues to try to decide what might be the best use of the public's funds, which might be to partner.

Mr. Conkling stated that they had an Executive Committee meeting with officials from the Village and talked about this issue. Everybody remarked how much money the enforcement of on-lot ponding would save as opposed to the infrastructure.

Jim Fahey, Village Council, asked for clarification on the \$1.3 million for infrastructure and if it was just for the escarpment area. Mr. Dodge stated that was correct and that the entire amount of \$40 to \$60 million is an extrapolation from the Salce Park Report. The numbers are typically \$20,000 - \$30,000 per acre for the infrastructure. Mr. Fahey stated that one of the issues with their ordinance is that it is for developed property. The vacant land is not covered by the on-lot drainage. It might be possible to amend the ordinance to deal with that. Mr. Dodge stated that if the on-lot ponding could be done on all the properties it would have a significant effect on all the drainage. With a pond, there would be zero run off from a property. Mr. Fahey stated that if the Village could take the money and go to the lot owners and tell them that they'll dig out the pond and offer suggestions on how to manage it, and then have an agreement that the homeowner would maintain it. If it's done the right way, it should not violate the State Constitution.

Mr. Yarbrough stated that this would recharge the aquifer rather than have it run down the street. It will be a battle to go back and retrofit the lots. Mr. Dodge stated that water quality is a big benefit of the on-lot ponding. Water quality requirements will

only get more stringent. There is a push to do the treatment further up in the watershed. Mr. Rudy stated that education of the public would be a great advantage for this project as well. Mr. Stoliker stated that before this report is approved, he would like permission to approach the Village and talk with them about it. Mr. Metzgar stated that the Board might want to accept the report because it doesn't mean that it's accepting all the recommendations.

A motion was made by Donald Rudy to accept the Village of Corrales Escarpment Drainage Report as presented and to allow David Stoliker the permission to go to the Village for discussion. It was seconded by Steve House and passed unanimously.

9. KRQE News Clip – Dedication of Obregon Pond.

Gerhard Schoener stated that on November 21, 2009, SSCAFCA exhibited a pilot project to demonstrate erosion control measures at Obregon Pond. There was a workshop conducted at Enchanted Hills Elementary. The entire workshop was filmed by Edit House and KRQE news picked up the story and aired a news clip the following day. It was shown to the Board.

10. Presentation on Mastering the Magic of Storm water Modeling.

Mr. Stoliker stated that Gerhard Schoener just completed his Master's Degree on just this type of information. Gerhard Schoener stated that at certain points in the watersheds, you need to know how much flow to expect after it rains, so simulated storm water modeling is done. When you build a hydrologic model, you divide it into smaller basins. Each subbasin is treated separately. A rainfall event is simulated over a subbasin and account for rainfall that is lost for infiltration, evaporation, etc. Whatever is left over is transformed into a hydrograph, which is a flow over time. At the outlet of the subbasin is the hydrograph, that hydrograph then moves downstream toward the river, which takes some time. At certain junctions in the model, other flood waves are joined, to give a total flow. Computer models are used to do the calculations. He continued through his presentation.

Based on the more input parameters, the more uncertainty you will have. For this watershed, there are no measured data points. In 2007, SSCAFCA entered into an agreement with the USGS where three flow gauges were placed. There are also rain monitors placed around SSCAFCA's jurisdiction. In the future, SSCAFCA will have data and will be able to calibrate its models. For now, these models are the best that can be done until that data is obtained.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Conkling asked if there was a way that more than one board member could be involved in study groups. Mr. Fahey stated that a number of times issues come up that can be answered by other board members. Mr. Fahey stated that a work study meeting has to be posted. Typically, questions are not taken from the audience.

- **Presentation on the 2010 Census.**

Mr. House stated that he is the chairperson for Sandoval County's census committee. He stated that the census is worth about \$13,000.00 per person per year for ten years. Every person who is not counted, that amount of money isn't received. It's most important for the school systems. He stated that there have been a lot of presentations around town to inform the public of the importance of the census. The actual count starts April 1, 2010.

COMMITTEE REPORTS.

None.

ACTION/APPROVAL OF THE MINUTES OF NOVEMBER 20, 2009.

A motion was made by Steve House to approve the minutes of November 20, 2009 as presented. It was seconded by Donald Rudy and passed unanimously.

ATTORNEY'S REPORT.

None.

FOR YOUR INFORMATION.

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

1. Cabezon Development – Tracts 14-A-1 & 14A21 Parcels A-C Final Plat was signed by the Chairman on December 18, 2009.
2. The Mid Rio Grande Storm water Quality Team published an editorial in the Rio Rancho Observer on Sunday, January 10, 2010 titled, "Let's Work Together to Keep the Rio Grand." A 20 minute commercial will air at 4:00 p.m. on January 30, 2010 on KRQE Channel 13.

PUBLIC FORUM.

Sheryl Ganch offered assistance to Jim Fahey with regard to informing the public of the need for on-lot ponding and spoke of her personal experience with her pond.

Don Chapman thanked SSCAFCA for the Guadalajara Project on behalf of the residents who live in the area. He stated that everybody is still vulnerable in the area because more infrastructure will be needed. The Homeowners' Association will do its best to try to raise some money as well.

OTHER BUSINESS.

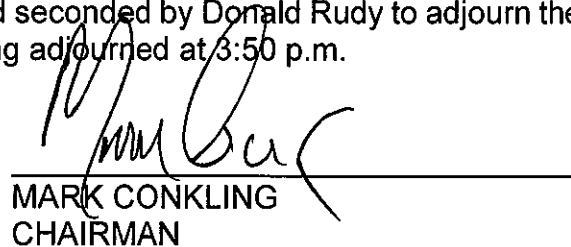
The next Regular Board Meeting is on Friday, February 19, 2010 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Steve House and seconded by Donald Rudy to adjourn the meeting. It was carried unanimously. Meeting adjourned at 3:50 p.m.



STEVE HOUSE
Secretary



MARK CONKLING
CHAIRMAN

DATE APPROVED: 4/10/2010