

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)

MINUTES OF FEBRUARY 21, 2014
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

The regular meeting of the SSCAFCA Board of Directors was called to order by Donald Rudy, Chairman, at 9:00 a.m.

ROLL CALL OF DIRECTORS.

Directors in attendance were James Fahey, Steve House and Donald Rudy. Mark Conkling and John Chaney were noted as absent. Charles Thomas, Executive Engineer, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

ANNOUNCEMENTS.

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

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Donald Rudy.

APPROVAL OF AGENDA.

A motion was made by Jim Fahey to amend the Agenda to table the following items until the March Board meeting:

Executive Engineer:

Presentation on proposal for multi-use facility on Venada Dam Property
Presentation on Infiltration in Arroyos
Discussion of Sandoval County Rio Rancho Estates Area Plan
Update on FEMA storm cost reimbursement
Discussion of FEMA Hazard Mitigation Grant Program Projects
Development Review

Fiscal Services:

Discussion/Action of Bond Refunding and Sale

Budget Committee Report

It was seconded by Steve House and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF JANUARY 3, 2014.

A motion was made by Jim Fahey to approve the Minutes of January 3, 2014 as amended. It was seconded by Steve House and passed unanimously.

PUBLIC FORUM.

Don Chapman, Sandoval County Commissioner, stated that subsequent to his visit to the December meeting, the project got underway on the Saratoga Pond and he was glad to see that progress taking place. The Lomitas Negras Project, the Alberta Watershed Project and the Saratoga Ponds projects were all mentioned at the December meeting. A new project that was not mentioned is Phase 2 or Phase 3 of the original Guadalajara Watershed Project. All of these projects are within his district and he wants to stay in the loop with SSCAFCA and its progress on the projects. The County may be in the position to help with some of these projects as it did with Guadalajara.

Mr. Thomas stated that the Capital Outlay Bill has been passed by the Legislature and it contains \$400,000 for the Alberta Phase II project. It still must be signed by the Governor. The City has used its crews to excavate the pond on the east side of Saratoga. This will relieve the immediate flood threat downstream by reducing the potential overland flow to historic levels as opposed to the large rush which hit when the pond west of Saratoga failed. He stated that the funding application has been submitted to FEMA at the federal level. FEMA indicated that SSCAFCA should hear something within one to two months. At that time, the scope of the remaining project can be identified and the funding can be assigned. If the Board would like, he can get with the County Manager and schedule a time to provide an update on all of the flood control projects to the County Commission at its meeting at some point in the future.

BUDGET COMMITTEE REPORT.

Tabled until the March 2014 meeting.

STAFF REPORTS:

Executive Engineer:

1. Presentation on Proposal for Multi-Use Facility on Venada Dam Property.

Tabled until the March 2014 meeting.

2. Presentation on Infiltration in Arroyos.

Tabled until the March 2014 meeting.

3. Action/Acceptance of Resolution 2014-05, Bureau of Reclamation Grant Application.

Charles Thomas stated that the Bureau of Reclamation has a water-smart federal grant program for which SSCAFCA is applying. There are two separate levels and SSCAFCA is applying for the smaller level where project costs can go up to \$100,000. Based on the level of competition throughout the Colorado Region, SSCAFCA felt it had a better opportunity to succeed with the smaller amount rather than the larger based on conversations with the Bureau of Reclamation staff. A request was submitted for help funding the water re-use program in the Black Arroyo Open Space to take the discharged water from Well 17 and wrap it into an irrigation system to water the vegetation and the landscaping. It is a local match of 50%. One of the requirements of the application is for the Board to pass a resolution, and Resolution 2014-05 has been prepared for that purpose.

A motion was made by Jim Fahey to approve Resolution 2014-05 as presented. It was seconded by Steve House. Roll call vote: Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion carried 3-0.

4. Discussion of Sandoval County Rio Rancho Estates Area Plan.

Tabled until the March 2014 meeting.

5. Update on FEMA Storm Cost Reimbursement.

Tabled until the March 2014 meeting.

6. Discussion of FEMA Hazard Mitigation Grant Program Projects.

Tabled until the March 2014 meeting.

7. Development Review.

Tabled until the March 2014 meeting.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for January 31, 2014.

Deborah Casaus presented the Fiscal Services Report for January 31, 2014 in the Board's packets. She stated that operating property tax revenue is about 1.95% higher than last year and debt service is about 3% higher. SSCAFCA is about 62.3% of SSCAFCA's budget for the operating fund. General fund expenditures, fiscal year to date, are about 27% of the total budget. SSCAFCA is currently 58% through fiscal year 2014. At the time of this report, the cleanup costs were about \$2.8 million. To date, SSCAFCA is currently looking at about \$2.9 million. Those expenditures were reflected in the operating budget, but because they have exceeded the large storm cleanup amount fund that money has been moved to the capital fund projects. It is hopeful that SSCAFCA will receive FEMA reimbursement for 75% of those expenditures. There were about 40 single family residential permits issued by the City of Rio Rancho for the month of January. That brings the total for calendar year 2013 to 479 permits. This is about 15% increase over last year's numbers. Interest earned on the State Treasurer's funds was at a rate of .10% for the month of January and the U.S. Treasury Bill rate is .025%.

The Fiscal Services Report for January 31, 2014 was recognized and acknowledged by the Board.

2. Discussion/Action of Bond Refunding and Sale.

Tabled until the March 2014 meeting.

3. Action/Acceptance of Fiscal Year 2013 Audit Report.

Deborah Casaus stated that the audit report was emailed to the Board, but there are also hard copies available. SSCAFCA received a clean, unqualified opinion, which is the best opinion you can receive. There were no audit findings. SSCAFCA added about \$2.4 million in capital last fiscal year, a good portion of which was land and also some various infrastructure.

A motion was made by Jim Fahey to accept the Fiscal Year 2013 Audit Report as presented. It was seconded by Steve House and passed unanimously.

4. Action/Acceptance of Selection/Agreement for Professional On-Call Surveying Services.

Deborah Casaus stated that SSCAFCA issued RFP No. 2014-01 and there was a good turnout for that RFP. Based on those proposals submitted, six firms are being accepted for on-call surveying services. Those firms are Community Sciences Corporation, Cobb Fendley and Associates, Huitt Zollars, Inc., JP Surveying, LLC, Way John Surveying, Inc., and Wilson and Company. Huitt Zollars did have some concerns with regard to the language in the agreement so staff will discuss that with counsel to see if their concerns are valid or if the standard agreement will stand.

A motion was made by Jim Fahey to accept the agreement with the companies named for on-call surveying services as presented. It was seconded by Steve House and passed unanimously.

5. Action/Acceptance of Selection/Agreement for Professional Design Services – Black Arroyo Wildlife Park Trail Construction Project.

Deborah Casaus stated that this was issued through RFP 2014-02. Dave Gatterman stated that staff had selected a firm for this project and negotiations were completed at about 7:00 o'clock this morning, as far as the financial part of the project goes. The contract has not been completed yet. Staff is looking to complete all design, environmental and any other certifications associated with the Black Arroyo Project and submit those to the Department of Transportation for acceptance. The project is funded about 75% with the Department of Transportation money and 25% with a state appropriation. The selected firm is Sites Southwest. The amount of funding they are requesting is \$84,658 plus NMGRT. Staff is requesting approval of the scope, schedule and fee pending approval of the agreement by counsel.

A motion was made by Jim Fahey to accept the approval with Sites Southwest for professional design services – Black Arroyo Wildlife Park Trail Construction Project as presented. It was seconded by Steve House and passed unanimously.

6. Action/Acceptance of Selection/Agreement for Real Estate Appraisal Services.

Deborah Casaus stated that there were four responses to RFP No. 2014-03 and staff selected all four. Those selections are Eugene N. Cavallo & Associates, Inc., Godfrey Appraisal Services, Riley & Knight Consulting, and Shipman-Foley Associates, Inc.

A motion was made by Jim Fahey to accept the agreements for real estate appraisal services with the companies listed as presented. It was seconded by Steve House and passed unanimously.

7. Action/Acceptance of Contract Renewal for Sediment Removal and Construction Services with:

No requested changes
RAC Construction, Inc.

Added Equipment Addendum
CBKN Dirtworks, Inc.
PG Enterprises, LLC

Deborah Casaus stated that there are three firms currently on contract that are asking for renewals. RAC Construction had no changes to their current contract. CBKN Dirtworks and PG Enterprises were asked to provide additional equipment for the contracts. There is no change in the contract price.

A motion was made by Steve House to accept the contract renewals for sediment removal and construction services as presented. It was seconded by Jim Fahey and passed unanimously.

Field Services Director:

1. Update on Completion of Summer Storm Cleanup..

Tabled until the March 2014 meeting.

Environmental Services Director:

1. Action/Acceptance to Proceed with Award for Harvey Jones Channel Improvements Project.

Chuck Thomas stated that staff is requesting approval to proceed with the award for the Harvey Jones Channel Improvements Project. This will install a trapezoidal channel downstream of Corrales Road, as well as removing the sill at the bottom of the channel, and then matching the grade in the sedimentation basin to match the lower elevation of the channel. This project has been fraught with administrative delays that are out of SSCAFCA's control. Since this is such an important part of the water system, it is imperative that the project be completed before the monsoon season. More complications have been encountered with regard to the \$600,000 to be provided by FHWA. Due to the way that the funding at the state level was processed from FHWA to NMDOT last year, FHWA has required the DOT to redo their local government agreements. This is how the money is contractually awarded to other entities such as SSCAFCA. Traditionally, those agreements are sent out for review and signature by the entities beginning in October or November prior to the

year of the funding. That process takes about a month or so. This allows the paperwork to be submitted to FHWA to disburse the funds to DOT so the project can begin. Essentially, DOT was required to rewrite the boilerplate on these agreements. The DOT has still not issued any of their local agreements.

Mr. Thomas stated that SSCAFCA needs to go out and advertise for bid by March 2, 2014 in order for everything to be completed before the monsoon season. After significant assistance from MRCOG, and some of the staff at District 3, SSCAFCA is in the final steps of submitting a waiver request to FHWA to request that they allow SSCAFCA to proceed without the government agreement in place. If FHWA gives written authorization, it is the same thing as an agreement and does guarantee the funding. SSCAFCA will be required to front the money on a reimbursement system until that local agreement is in. This should not be a significant delay in the process.

Mr. Thomas stated that the second complicating factor that staff has run into is the requirement for the environmental clearance. SSCAFCA began the process with a meeting with all the agencies in December 2012. There have been significant requests for information and SSCAFCA is still waiting for information on the time frame for completion. SSCAFCA cannot award the contract without having that environmental certification in place. Staff has responded to all of the elements on the environmental side and feels that nothing has been overlooked. The approval should be soon. With that in mind, the timing of the project is always of concern. Given the timing issue, staff is requesting authorization to proceed with the project, assuming that two things will happen, one that SSCAFCA will receive approval from the FHWA without the government agreement and two, that SSCAFCA will receive clearance on the environmental component prior to the need to award the project. As a federal project, this requires a 21 day advertisement period. This will give SSCAFCA until March 23 before the advertising period will even close. The award would be the following week.

In order to accommodate the possibility that one or both of these items does not come forth, SSCAFCA will actually bid the project as a two phase project. In essence, the entire plan set will go out to bid, however, the cost estimate will be broken into Phase 1 and Phase 2. Phase 1 will be removal of the sill and installation of the downstream pond; Phase 2 will be installation of the rest of the trapezoidal channel up toward Corrales Road. If, for some reason, either of the two things does not happen, Phase 1 can be awarded and use the state capital outlay funding received out of the 2012 session and move forward with that project. Removing the sill will accomplish 65% to 70% of the hydraulic improvement needed at that location. It is paramount to complete some level of improvement at this time. Right now, the probable construction cost is \$1.1 million. The Phase 1 portion of the project would be within SSCAFCA's means with the state appropriation.

A motion was made by Jim Fahey to proceed with the award for the Harvey Jones Channel Improvements Project as presented. It was seconded by Steve House.

In response to a question from Mr. Fahey, Mr. Thomas stated that he does not believe that SSCAFCA is at a risk for losing any of the funding. The \$383,000 already received in capital outlay has already been signed through NMDOT, so that funding is secure. The \$600,000 of FHWA funding, once SSCAFCA receives the environmental certification, is certified, which allows SSCAFCA the time frame to complete the improvements. Since it has not gone to bid, the approval is needed to be able to enter into a contract without another Board meeting. However, if the cost of the project is significantly higher than estimated, this matter would be brought before the Board again. Mr. Rudy stated that he would like a roll call vote on this matter.

Roll call vote: Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion carried 3-0.

2. Action/Acceptance to Proceed with Award for Lomitas Negras Water Quality Facility Phase One.

Dave Gatterman stated that this project is on a similar trajectory, although much more time compressed. The design task order was awarded to Smith Engineering in October 2013 to begin the design project for Phase One, which is everything east of 528 to the Dulcelina Curtis Channel. The project is similar to what was presented in the conceptual design phase by installing five check dams along the earthen portion of the Lomitas Negras Channel before it enters the Dulcelina Curtis Channel for the sole purpose of reducing the sediment in the channel. After the hydraulic modeling was completed it was learned that the levees at the Dulcelina Curtis are a little too short so they will be raised to accommodate the free board requirements. The design is complete by the end of next week and staff hopes to take this project out to bid by March 2nd. This project is entirely state funded and the statutory requirement for advertising for bid is 10 days. With the bid out on March 2, 2014, we can receive bids on March 18, 2014 for construction of this project. The estimate of probable costs from Smith Engineering is \$1.44 million base bid. There is a deductive alternative on check dam #2 which is the one that is second from the Dulcelina Curtis inlet. Currently, there is a soil cement apron at that location covered with about five feet of sediment. The condition of that cement apron is unknown. If it's excavated and it's fine, there's no reason to punch through it since it's already stable. The estimated cost savings would be \$155,719. The final element is the potential for adding coloring to help it blend with the natural landscaping. If the color is added, it will cost an additional \$183,000 to a low of about \$73,938 depending on the coloring. Those decisions don't have to be made until the bids come in and SSCAFCA knows the total cost of the project.

Mr. Gatterman stated that staff is requesting a similar type of action by the Board as with the Harvey Jones Channel. Once an apparent low bid comes in, up to the estimate of \$1.44 million, staff would like to proceed with getting that contract underway so the project can be completed before the monsoon season. Substantial completion will be within 60 days of the notice to proceed, with final completion within 75 days of notice to proceed.

A motion was made by Jim Fahey to proceed with the award for the Lomitas Negras Water Quality Facility Phase One as presented. It was seconded by Steve House. Roll call vote: Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion carried 3-0.

3. Action/Acceptance of a task-order with Bohannan Huston for Harvey Jones Channel Improvements Construction Management and Inspection Services in the amount of \$61,975.79.

Dave Gatterman stated that there is a potential that the entire Harvey Jones Channel project will be completed. Bohannan Huston was asked to provide a task-order for full time construction management and inspection services of the Harvey Jones project. This will have a construction management engineer on site at all times and will provide SSCAFCA with inspection reports.

Ron Reeder, a member of the public, asked if the contract contemplated the possibility of having a two phase project in the construction and whether there is any need to put that into the task order. Mr. Gatterman stated that the proposed task order is a time and material contract, not to exceed. If there is a smaller contract, there won't be the same amount of services. The construction phase task order also includes the final close out package.

A motion was made by Jim Fahey to accept the task-order with Bohannan Huston as presented. It was seconded by Steve House and passed unanimously.

OTHER COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT.

None.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

None.

PROPERTY MATTERS.

1. Action/Acceptance – Unit 21, Block 119, Lot 15B – 0.819 acres – PDV Dam.

Mr. Thomas stated that staff needs Board approval to purchase the above-listed property. This is one of the last remaining pieces in the PDV Dam footprint. This was a large piece of property and in negotiation with the property owner, 2/3 of the property was identified as being in the LEE line. Only the portion impacted by the LEE line has been acquired leaving the property owner some remaining property that can be developed.

A motion was made by Steve House to approve the purchase of the properties as presented. It was seconded by Jim Fahey and passed unanimously.

FOR YOUR INFORMATION:

1. Corrales Comment article, "Silt from Summer Storms Cleared from Arroyo," (12/21/2013).
2. Rio West articles, "RR Drainage System to Catch Runoff" and "The Sad Tale of the Dog Poop Fairy," (01/24/2014).
3. SSCAFCA Solar Savings.
4. Rio Rancho Observer article, "County Faces Lower Revenue, Possible State Funding Cuts", (2/9/2014).

OTHER BUSINESS.

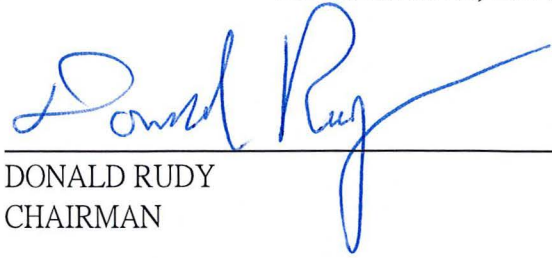
- Next Regular Board Meeting is on Friday, March 21, 2014 at 9:00 a.m.

ADJOURNMENT.

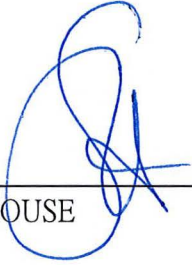
A motion was made by Jim Fahey and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:10 a.m.

BOARD OF DIRECTORS REGULAR MEETING

FEBRUARY 21, 2014



DONALD RUDY
CHAIRMAN



STEVE HOUSE
Secretary

DATE APPROVED: 3/21/14

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