

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF JUNE 21, 2013
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 John Chaney, Mark Conkling, Jim Fahey, Steve House, and Donald Rudy. Charles Thomas, Executive Engineer, was noted as absent. 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.

Mr. Rudy stated that, due to the absence of Chuck Thomas, there would be some changes in the Agenda. Under the Executive Engineer portion of the meeting, Item 4 is moved to Item 1; the items below that will then follow in order.

A motion was made by Jim Fahey to approve the Agenda as amended. It was seconded by Steve House and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF MAY 17, 2013.

A motion was made by Mark Conkling to approve the Minutes of May 17, 2013 as presented. It was seconded by Jim Fahey and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

Executive Engineer:

1. Development Status Update.

Andres Sanchez stated that development has been relatively slow, but there were five submittals in the last month. The drainage report on the Cielo Azul Subdivision which is going in adjacent to Northern Meadows was finally approved. SSCAFCA has ownership of the Wilpett Ponds and they were requesting discharge immediately into those ponds.

Andres stated that the Rachel Matthews development off of 528 and Sundt Road is in the Industrial Park West area. One of the lots there is proposing development and SSCAFCA is working with them as well. There were a couple of options to discharge the run-off for developed conditions; one was to discharge directly into the Montoyas Arroyo and the other was to discharge into Sundt Road, restricting flow to historic conditions and then the flow would enter the existing pond near 528. When they evaluated the alternatives, the cost of coming into the arroyo would have been pretty high because of reinforcing the bank, so they opted to discharge to the street. From a regional flood control standpoint, SSCAFCA did not have an issue. The City has been notified that the street may be close to capacity.

Andres stated that in Unit 13, Block 116, Lots 4 and 5 are being combined and there were some utility and drainage easements granted for those lots. The Rose Subdivision off of Sara and Meadowlark is a basic conditional use permit for a carpentry shop. The Esplanade, just northeast of Country Club and Southern, is being finished and SSCAFCA has approved the drainage report for that area.

2. Discussion of Lobbying Washington, D.C. Trip.

Mr. Rudy stated that, in the past, entities such as SSCAFCA have depended entirely on bond issues, which are then paid back through taxes. A few years ago, SSCAFCA began getting involved with other state agencies employed a lobbyist. That interaction with other state agencies has borne considerable fruit for SSCAFCA. Recently, that action has been expanded to other organizations and agencies, including federal agencies.

Jim Fahey stated that SSCAFCA's Washington lobbyists provided a full agenda for the two days in Washington which started with the National Association of Clean Water Agencies

which facilitate and assist other organizations. The NACWA could provide SSCAFCA help in Washington.

They also met with Tom Udall and his assistant. They were very receptive to SSCAFCA's projects. Catherine Conran stated that Senator Udall is putting together a bill called Innovative Stormwaters Solutions Act of 2013. He asked SSCAFCA to provide comments on that bill and to provide photos of things that SSCAFCA is dealing with regard to storm water here.

Mr. Fahey stated that FEMA was very helpful and discussed different funding sources that could be available. Ms. Conran stated that up to \$120 million will become available in 2014 and SSCAFCA has already submitted three grant applications to FEMA which are in the works pending approval by FEMA of the Sandoval County Emergency Plan. As soon as that's approved, SSCAFCA can move forward.

Mr. Fahey stated that Congressman Lujan's assistant was very helpful and Senator Martin Heinrich's office staff was also very receptive.

The meeting with the Corps of Engineers was a conference call where they were given additional funding options.

Mr. Fahey stated that they met with Holly Galliootti at the EPA and discussed SSCAFCA's issues with the 404 permit. It became apparent that she was not excited about what he had to say because the 404 permit is her draft. Criticism was not well received. He tried to tell her that SSCAFCA views water as a resource and tries to save the water to do everything it can to hold it as long as we can before it has to go someplace else. Ms. Conran stated that the meeting with the EPA was less successful because they didn't have people who could make changes right then. The woman they met with was very passionate about her project, but she believes that the woman did listen with regard to SSCAFCA's concerns about the sampling and the water.

Mr. Fahey stated that they also met with the FHWA and with Congresswoman Michelle Lujan Grisham, who is on board on SSCAFCA's federal priorities.

All in all the meetings went very well in Washington and they were consistently told that SSCAFCA is ahead of the game. Ms. Conran stated that the CNM project is where SSCAFCA would be purchasing additional land and then they could use that as something for the students there to learn about innovative stormwater solutions, along with hydrology. It would be an outdoor classroom which would be a great pilot project for Senator Udall. Mr. Fahey stated that there might be funding available to help the Watershed Park concept. Ms. Conran stated that it was vital having

Mr. Fahey there because they could see how committed the Board is to these issues. (A more detailed discussion of the meetings is set forth in the lobbyist law firm's Memo of June 18, 2013 which has been provided to all Board members.)

Evelyn Curtis Losack, a resident of Corrales, discussed everything that SSCAFCA has done for Sandoval County residents.

3. Discussion of Water Trust Board Funding.

Catherine Conran stated that SSCAFCA has received news that SSCAFCA was number 1 on the storm water section of the Water Trust Board and that SSCAFCA will receive funding. The New Mexico Finance Authority meets on June 26th for funding approval, but at this point, SSCAFCA is on the list and it will most likely approve the projects put forward by the Water Trust Board. From that, it's a 90% grant and a 10% loan and the money received will be over \$2 million and the money will be leveraged with the capital outlay. Only about \$8,000.00 of that will have to come out of the bond money.

4. Discussion of Governor's Capital Outlay – Executive Order 2013-006.

Deborah Casaus stated that SSCAFCA has received capital funding from the state on the Lomitas Negras and for agencies or local governments receiving capital funding, the Governor issued an Executive Order requiring all agencies and local governments to be in compliance with their budget requirements, with their audits, and with financial reports. The report that SSCAFCA received back was that SSCAFCA was in compliance with everything for its projects. There will not be a hold on the money that SSCAFCA will be receiving for the Lomitas Negras and the pedestrian bridge in the Black Arroyo.

5. Action/Acceptance of Selection/Agreement for Professional Engineering Services for the Lower Montoyas Arroyo Water Quality Feature.

Deborah Casaus stated that an RFP was issued for this project and four proposals were received. From those proposals, the selection committee chose Wilson & Co. to handle the project. This first agreement would cover the data collection and evaluation, the development of alternatives for the initial planning phase of this project. The fee for this is about \$44,000.00.

A motion was made by John Chaney to accept the agreement for professional engineering services with Wilson & Co. as presented. It was seconded by Mark Conkling and passed unanimously.

6. Discussion of Rio Rancho City Center Drainage Cost Proposal.

Deborah Casaus stated that SSCAFCA will hire Huitt-Zollars under the Small Projects portion of the Procurement Code, which has a limit for Professional Services of \$50,000.00. Informal proposals were submitted from several firms and Huitt-Zollars was selected because they had the most experience in that area. The fee is \$42,000.00. This work will define the development in the City Center as well as the PDV Dam area.

Mr. Conkling stated that one of the reasons that this was not done in house is because Huitt-Zollars has all the history on this area and the work will not have to be recreated. In addition, this expense is being cost-shared with the City.

7. Presentation of Calabacillas Watershed Management Plan.

Gerhard Schoener stated that this is the largest watershed in SSCAFCA's jurisdiction. It's almost 100 square miles in size. It falls into various jurisdictions. SSCAFCA is studying a portion of the overall basin. SSCAFCA does have an agreement with AMAFCA to be reimbursed for a portion of the cost of the Plan. Once SSCAFCA's model and AMAFCA's models are completed, they will be combined into one. The portion being studied by SSCAFCA is approximately 70 square miles in size. Because this watershed is so large, for the 100 year, 24 hour storm, they have a range of rainfall values that start at a little over 3 inches at the top of the watershed and go down to 2.6 inches. This is not usually done, but because it's so large, they have accounted for the differences in rainfall in the planning effort. Existing land use is mostly undeveloped. The roads that are in the watershed have been accounted for.

Mr. Schoener stated that preliminary results from the models show that, starting at Northern, SSCAFCA is looking at just under 4,000 cfs for existing conditions in excess of 700 acre feet of runoff. These numbers are higher because of the size of the basin, but the flow rates are not that high, for example, compared to the Montoyas, because there is so little development in the basin. He has incorporated existing conditions model for the west branch - just over 7,000 cfs at the peak and more than 2,000 acre feet of runoff.

Mr. Schoener stated that the only way to find out what really happens, as opposed to a model, is if there was good data. They looked at the record that there is for the Calabacillas.

AMAFCA has maintained a network of gauges since the early 90s. There aren't very many compared to the size of the watershed, but it's better than nothing. Since 2004, there have only been eight flow events that exceed 200 cfs. They did try to look at some storms to compare what the model predicted as to what actually happened.

For one of the 2006 storms, the graph on the top is the rain fall curve that was recorded by a data logging rain gauge. There was about one inch of rainfall at this gauge location over a one hour period. That's nothing close to the 100 year storm; rather it's more like a ten year storm. The gauge is not at the most intense location of the storm either. He believes that the model is fairly close in its predictions with what is actually happening.

For the storm in October 2004, the peak intensity is not quite as high as the 2006 storm, but the aerial coverage almost encompassed the entire watershed. There was some inflow, but the hydrograph mimics fairly well. The developed land use model is tough because it is unclear as to what will happen as far as development is concerned in this watershed. They deviated a little from assuming 100% developed based on existing platting and zoning because Sandoval County has commissioned a study of available water resources in this area. The City is putting together a long range plan and, based on a survey of ground water resources, they determined that there was only sufficient ground water to develop about half of the lots in the area overall. That was used as the basis for developed conditions model because they felt that it was more realistic than assuming that the entire watershed would be fully developed. They also looked at land ownership in the area and AMREP is still the largest land owner in the area. Those were treated as master planned communities.

Quail Ranch has a Master Plan that calls for diversion of all stormwater flows north into the Calabacillas. This was presented to AMAFCA and they had questions on whether or not it would be feasible because it would be a diversion in excess of 4,000 cfs at the 100 year peak flow. It would also be fighting grade to get that flow into the Calabacillas because it goes uphill. He does not know who did the Master Plan and whose idea it was to divert the water to the Calabacillas. The master plan was provided to SSCAFCA for informational purposes, but he does not know the history of how everything happened and came about. The water goes from where AMAFCA has a big jurisdictional dam right at Unser and that dam reduces the peak flow and then the water continues through the Calabacillas, crosses just south of Cottonwood Mall, and then goes into the Rio Grande.

Mr. Schoener stated that the next step will be to finalize the hydrology and then Andres will prepare a hydrolic model, probably only for the main reach of the Calabacillas, the flood plains and the LEE. Then, SSCAFCA will start talking about proposed facilities. One aspect is the playas. Those have been incorporated into SSCAFCA's property acquisition. It is unknown what

facilities will be needed, but because the playas are in proximity to the arroyo, there is the possibility of incorporating those into a larger plan. Mr. Conkling stated that staff has been identifying properties in the area that would be ideal for SSCAFCA to obtain, and they can be obtained quite cheaply right now.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for May 31, 2013.

Deborah Casaus presented the Fiscal Services Report for May 31, 2013 which is in the Board's packets. She stated that, while SSCAFCA has not received its property tax check yet, it looks like SSCAFCA will exceed its budget for property tax collections. This is most likely due to Sandoval County's efforts in collecting delinquent taxes.

There were 45 single family residential permits issued by the City of Rio Rancho for the month of May 2013. This brings their total to 246 permits for the year. Interest earned on the State Treasurer's funds was at a rate of .125%. SSCAFCA did receive approval on its interim budget from DFA.

The Fiscal Services Report for May 31, 2013 was recognized and acknowledged by the Board.

2. Action/Acceptance of Resolution 2013-9 Authorization to Enter into Contracts and Commit Funds.

Deborah Casaus stated that Resolution 2013-9 will allow certain staff to enter into contracts and commit funds. A similar resolution was entered in 2010, except that the Executive Engineer's authorization has been increased from \$50,000.00 to \$60,000.00. The reason is to bring his spending limit in compliance with the Procurement Code.

A motion was made by John Chaney to accept Resolution 2013-9 as presented. It was seconded by Jim Fahey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion passed 5-0..

3. Action/Acceptance of Resolution 2013-10 Procurement Regulations Amendment.

Deborah Casaus stated that Resolution 2013-10 brings SSCAFCA into compliance with the new changes approved by the legislature that increases small purchase threshold from

\$20,000.00 to \$60,000.00; the professional services threshold from \$50,000.00 to \$60,000.00. The state also established a certification and training requirements for the chief procurement officers, which means that SCAFCA's officer (her) would have to attend training required by the State. It also added new language regarding sole source procurement.

A motion was made by John Chaney to accept Resolution 2013-9 as presented. It was seconded by Jim Fahey. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion passed 5-0..

4. Action/Acceptance of contract renewal for General Counsel/Legal Services with Crowley & Gribble, P.C. with no requested changes.

Ms. Deborah Casaus stated that Crowley & Gribble had requested its contract renewal with no requests for changes.

A motion was made by Jim Fahey to accept the contract renewal as presented. It was seconded by John Chaney and passed unanimously.

CHAIRMAN'S REPORT.

Mr. Rudy stated that the Council of Governments has changed its leadership. The Mayor of Corrales is now going to be the chairman of COG. All members in this region are upset about water availability to the point where the Albuquerque Water Authority is considering the restriction of flows.

The Water Plan that was done in 2004 is due for an update; however, they are very short of money to do it. SCAFCA has provided funds to assist with this project. At the moment they are taking all of the regional subplans in this area and comparing them to get a head start on the planning. A water plan in this region is under the control of the State Engineer. There were funds allocated for it, but they will run significantly short of what will be needed. SCAFCA will continue its involvement.

BOARD OF DIRECTOR'S COMMENTS.

None.

COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT.

None.

PROPERTY MATTERS.

1. Action/Acceptance - Unit 21, Block 114, Lots 1 & 10 – 1.22 acres – PDV Dam.
2. Action/Acceptance – Unit 21, Block 71, Lot 21 – 0.5 acres – Upper SLO Dam.

Mr. Rudy stated that staff is seeking approval for the purchase of the lots listed above.

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

FOR YOUR INFORMATION:

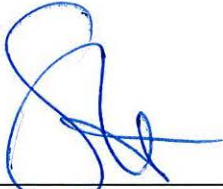
1. June 13, 2013 correspondence from the Department of Finance and Administration approving the Fiscal Year 2013-2014 proposed budget.

OTHER BUSINESS.

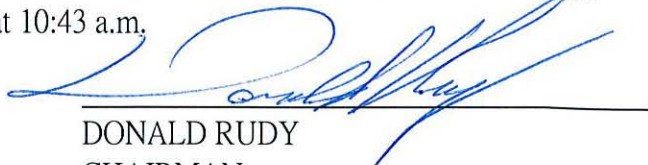
- Next Regular Board Meeting is on Friday, July 19, 2013 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Jim Fahey and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:43 a.m.



STEVE HOUSE
Secretary



DONALD RUDY
CHAIRMAN

DATE APPROVED: 7/19/13