

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF MAY 16, 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 John Chaney, Mark Conkling, James Fahey and Donald Rudy. Steve House was 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 approve the Agenda as presented. It was seconded by John Chaney and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF APRIL 18, 2014.

A motion was made by Jim Fahey to approve the Minutes of April 18, 2014 as presented. It was seconded by John Chaney and passed unanimously.

PUBLIC FORUM.

David Clanon, a Corrales resident, stated that his property is adjacent to the Tree Farm Pond B. In 2008, he and his wife entered into a license agreement with SSCAFCA where there is a strip of land up against their land that is approximately 20 feet wide that they have an easement (license) on. They had the easement because they were building a corral for their horses and it allowed them to do

the corrals a little easier. For the last six years they have been in a year to year license with SSCAFCA at \$300.00 per year. They are happy with the arrangement, but he asked if there was a way for them to purchase that strip of land so it would be more permanent for them. Mr. Rudy stated that SSCAFCA's policy in the past has been that properties acquired for flood control projects which are no longer necessary can be taken off of the books. It is consistent with past policy to explore the possibility.

In response to a question from the Board, Mr. Thomas stated that one of the things that staff would like to investigate are possible concerns that the property could be impacted by storm flows given the pond sizing. He would like to verify the reasons why that property was licensed the way it was rather than sold before. Staff will look at the matter and bring it back to the Board at the next meeting.

**STAFF REPORTS:**

***Executive Engineer:***

1. Presentation on 2016-2020 Infrastructure Capital Improvement Plan (ICIP).

Mr. Charles Thomas stated that SSCAFCA must submit an ICIP to the Department of Finance and Administration. It requires 30 day public posting and opportunities for public comment. The public comment period is opening with this Board meeting and it is anticipated that it will be closed at the next Board meeting. The ICIP is becoming a very critical piece to have when you seek funding where the state has any kind of authority. The deadlines throughout the state for the TCIPs were changed to allow the state more time to process the requests, so an extension had to be sought by SSCAFCA for the submission of its ICIP.

Mr. Thomas stated that many of the projects that are farther out in the upper reaches are not listed because this ICIP shows only projects contemplated for the next five years. Many of the projects for 2019 and 2020 would just be getting underway. The projects highlighted in yellow are the top 5 projects for SSCAFCA. The identification of the top 5 projects is based on planning. For ICIP purposes, one of the factors that you have to weigh in on is the potential to acquire funding to complete the project. It does skew the list slightly toward what may or may not be actually constructed. The first project is erosion and grade control structures. There are multiple locations within the arroyos where there is potential for encroachment on private property. This is a broad area which allows SSCAFCA to work anywhere within the arroyos and the amount can be very discretely sized to a specific project. The second project is the Upper SLO Dam. That project is currently in design with Smith Engineering. Staff is looking at construction likely in the Fall of 2015. Right

now they are working through the permitting process and hoping to seek funding from the Legislature and the Water Trust Board in the upcoming session. The design will most likely be completed in time to go to construction this Fall if the Board wishes to push it forward faster, but this would put SSCAFCA ahead of the funding cycles. The flood pool is 49.995 acre feet. The total acreage is about five acres. As it gets closer, SSCAFCA will work with CNM in order to try to incorporate multi-use facilities in the area. The facility has been shifted to the west to avoid an archaeological site; then there is one archaeological site in the flood pool. Staff is in the process of determining the appropriate mitigation action.

Mr. Thomas stated that the third project is the 19th Avenue Dam. The Springer Development Group is hoping to develop along 19th Avenue and is interested in partnering with SSCAFCA on the facility. SSCAFCA still has the outstanding agreement with Robert Gehringer for the excavation of the materials, as well as tying it into the bottom end of the Black Arroyo Wildlife Park Open Space area. There is an opportunity for a pedestrian pathway to connect with their development. The Trib A Dam will reduce the flow that goes through the site that the Group is trying to develop. It has not yet been determined the amount of money the Group will put toward the project. This channel drains a developed basin north of the area and it actually spikes very quickly and drains very quickly. The peak flow from flood waters from any storm that hits in this area will lag significantly behind the Unser Channel. The Unser Channel is undersized, so there is a critical need for this facility. It is possible that by putting in multiple facilities upstream this facility will not be needed and staff will look at that this summer. The impact of State Engineer jurisdiction is significant. Essentially, you are required to go through the permitting process with the Office of State Engineer, so there is a time component. Mr. Thomas stated that right now, SSCAFCA is still in the process of finishing up the permitting on Corrales Heights Dam and Enchanted Hills Dam, both of which were in process when he was hired. From a construction standpoint, when you go to a jurisdictional facility, the Office of the State Engineer has a very specific storm that they want to be able to pass through the facility. The probable maximum flood event (PMF) is a quantum level above the 100 year storm event. SSCAFCA normally builds to the 500 year level.

Mr. Thomas stated the fourth project is the Lisbon Dam and Channel system. This is a non-jurisdictional facility and it reduces the flow going into the Lisbon Channel. Hopefully between this project and the downstream improvements in the channel, the flow can be reduced. There are multi-use facilities in all the projects. In this facility, there is a large portion of property that will remain open and untouched. There is an opportunity to incorporate a trail system within the Lisbon Channel.

Mr. Thomas stated that the fifth project is the Saratoga Dam. This is a traditional dam facility and currently would be a jurisdictional facility. They are also investigating doing an off-channel storage. Although the volume would exceed the minimum 50 acre feet, with the

off-channel facilities, it is hoped that the out flow can be reduced below six feet, which then takes it out of jurisdictional status. If the embankment is low enough, it doesn't matter how much water you pond because the risk of failure is very low. Lomitas Negras, Phase 1 is currently under construction and money was received from the Water Trust Board. But due to some significant reduction in price in the project through evaluation of the engineering up front, SSCAFCA is only going to use up about half of that funding on Phase 1. The rest of that funding will be applied to Phase 2, which is from 528 to Saratoga Road. The dam becomes an integral component to that and then staff would submit a project to FEMA for this whole complex of flood control.

Mr. Thomas stated that as long as SSCAFCA's cost/benefit ratio hits 1:1 match, it should be successful in obtaining FEMA funds. The top five projects generally receive the most scrutiny. The full project list also includes Paseo del Volcan dam, the Unnamed Arroyo Improvements, the Black Arroyo Wildlife Park, Corrales Heights Dam Improvements, Willow Creek Watershed Improvements, Venada Dam, Tributary A Dam, the North Hills Diversion Facility, the Rainbow Dam, Cleveland Pond, Badger Dam, the Landfill Pond, Sugar Dam Outlet Structure, Unser Dam, General Calabacillas Watershed Improvements, and the Cabezon Channel Extension.

2. Update on FEMA Reimbursement.

Mr. Charles Thomas stated that the FEMA staff has been extremely helpful. SSCAFCA has provided all of the backup documentation and answered questions. The process has been very efficient. A number of projects for both the July storm and the September storms have been submitted. Just this week, SSCAFCA received the last of the applications for the July storms. Staff is working their way through the September storms reimbursement request. Right now, SSCAFCA has had \$3.3 million in costs for the storm events, for which it is submitting \$3.27 million for reimbursement from FEMA. SSCAFCA should see about \$2.4 million in reimbursement and he sees no problems with any of the requests being denied for any reason. Some of the money has been received, and most of them are small enough that they are being processed at the regional office. The grant agreement is being submitted to the state to follow up with SSCAFCA. It is anticipated that for most of the small projects, it should be three to five months from the time the application is submitted to getting the money. The one unknown is that the Harvey Jones Complex and Sportsplex Complex were submitted as one submittal and because both of them exceeded \$1 million, it was required to go to FEMA headquarters for approval.

3. Development Review.

Mr. Charles Thomas stated that there is a detention pond that is moving forward at Gateway South, which will be on Westside and 528. This one was previously discussed. The Drainage Plan has now been approved through the DRC and is now moving forward. The detention features that had been there are no longer needed or required. The only other one is the Paseo Gateway replat summary plat which is also moving forward.

Mr. Rudy stated that he would like to change the Agenda at this time in order to move Catherine Conran's presentation to this point.

***Administrative Services Director:***

1. Update on Education Programs.

Ms. Catherine Conran stated that last year she talked about the pilot program for the arroyo classrooms at the Maggie Cordova Elementary School. Live animals were introduced into the classrooms and children were able to see animals in the arroyo as well. This year, the program has been expanded. The first grade program didn't really take off, but the third grade program went from 175 students to 475 students this year. SSCAFCA expanded to four different schools as well. A live owl and live bats are being brought into the classrooms. They also expanded to reach sixth grade students as well, especially to introduce girls to math and science programs. SSCAFCA has created a wetlands program called the "Rolling River" that has been adapted to not just an erosion program, but also shows the watershed and the impact of toxins and pollutants. This is reaching 140 students and is only at Rio Rancho Middle School at this point.

Ms. Conran introduced Octavio Cruz. He is an ecologist, a biologist, a falconer, and a great educator. Octavio Cruz, of Envirológica Services, Inc., stated that he started doing this about five years ago. He started at Kirtland Air Force Base and several key points through the state. The populations of the burrowing owls was being reduced and he wanted to find out why. They have data from monitoring the populations of the burrowing owl for 18 years and have come up with a 98% decline of the burrowing owls within the last 17 years. Within the last five years it has been in a non-stop downward spiral. The main cause for the decline is environmental. The constant temperature rise seems to be the cause, especially the warmer winters we are having. The owls are starting late, their incubation is starting late, and this makes it detrimental for the time the babies are born. The children, of course, do not receive this very technical information. The idea is to tell the kids how important it is for them to get in touch with the environment. 95% of the owls' diet is insects. He informed the Board just how devastating the environment changes are to the owls. Getting the information by conversation out is the best way to get all entities on the same page.

In response to a question from the Board about what SSCAFCA could do to help, Mr. Cruz stated that by diverting water to some fields during January and February would be enough to infuse insect life for the owls. Some areas will need to be mowed, but others will need to be kept for soil retention for the owls to burrow. Mr. Rudy stated that Mr. Cruz's company should get some recommendations on how SSCAFCA could proceed so that it could help the situation. Mr. Cruz stated that the habitat initiatives sound like they could be a lot of work in terms of energy and investment; however, it can be very simple as well. Some people support the idea of relocating and there are other concerns that in some species if you relocate individual species you can influence them negatively. In this case, this won't happen because of their environment.

Mr. Cruz stated the schools have not only received the information really well, but their commitment to participation is at a high level. The children and the teachers could get involved in the conservation issues, but basically they become the owls' guardians. They also try to plant the seed in the children to care for their environment and the wildlife it contains. He explained how he lets the children touch the owl as they leave the classroom.

*Fiscal Services Director:*

1. Recognition/Acknowledgment of the Fiscal Services Report for April 30, 2014.

Deborah Casaus presented the Fiscal Services Report for April 30, 2014 in the Board's packets. She stated that property tax collections are coming in pretty much as expected. General fund expenditures year to date are about 37.5% of the total budget and SSCAFCA is 83% through fiscal year 2014. Most of that is accounted for in the construction fund at this point and SSCAFCA is still dealing with FEMA to get reimbursement for those expenditures. The FEMA money will not need a budget adjustment, but an accounting adjustment will need to be made. There were 49 single family residential permits issued by the City of Rio Rancho for the month of April. This is about 3% lower than last year. Interest earned on the State Treasurer's funds was at a rate of .104% for the month of April.

The Fiscal Services Report for April 30, 2014 was recognized and acknowledged by the Board.

2. Action/Acceptance of contract renewal with Hughes Law, LLC for Bond Counsel Services with no request for changes.

Ms. Deborah Casaus stated that Hughes Law, LLC has requested a contract renewal for its bond counsel services and it has requested no changes.

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

3. Action/Acceptance of contract renewal with RBC Capital Markets for Financial Advisor Service with no request for changes.

Ms. Deborah Casaus stated that RBC Capital Markets has requested a contract renewal with no changes.

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

4. Action/Acceptance of contract renewal with Select Properties for Right-of-Way Acquisition Services with no request for changes.

Ms. Deborah Casaus stated that Select Properties has requested a contract renewal with no changes.

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

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

Ms. Deborah Casaus stated that Crowley & Gribble has requested a contract renewal with no changes.

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

6. Action/Acceptance of Selection of Stifel Nicolaus & Co. Inc as Underwriter for SSCAFCA Bond Refunding/Sale.

Ms. Deborah Casaus stated that at the last Board meeting, at the direction of the Board, staff issued an RFQ to local, regional, and national banks and 12 underwriters active in New Mexico. SSCAFCA received two responses from banks and six responses from underwriters. They were evaluated with the assistance of RBC Capital Markets. Stifel Nicolaus & Co. came in first in all the areas in which they were evaluated. A chart is in the Board packets.

A motion was made by Mark Conkling to approve the selection of Stifel Nicolaus & Co. as Underwriter for the SSCAFCA Bond Refunding/Sale as presented. It was seconded by John Chaney and passed unanimously.

***Environmental Services Director:***

1. Update on Harvey Jones Channel Improvement Project.

Mr. Dave Gatterman stated that Phase 1 of the Harvey Jones Channel Improvement Project is complete. The sediment pond is back in. Bid opening for Phase 2 of the project was held right after the April Board meeting. No contractors showed up, therefore there were no bids. He did hear that some of the reasons may have been the short advertisement time frame; another was that it was extremely competitive in the flat concrete market right now so there was some fear of getting into the Montoyas right now with the upcoming rainy season. It is a risky project. There is no time to re-bid. The greatest hydrolic improvement is to remove the sill from the channel. The scope of SSCAFCA's on call contractors is limited. Staff also had to get permission from DOT to use funding for the ultimate final strategy.

Mr. Gatterman stated that the NMDOT staff has been fantastic. Staff is focusing on just the 90 feet on the back end of the channel for the sill removal. The first piece will remove the concrete sill and perform the earthwork in the channel to finish subgrade. This is within the scope of SSCAFCA's contractors and DOT was okay with SSCAFCA using the funds for this particular action. The timeline is ten working days and it will be complete. The cost is a little under \$60,000 plus GRT. The demolition is underway; the contractor started up yesterday. PG Enterprises is going to recycle the steel coming out of it.

Mr. Gatterman stated that the second part is the installation of the trapezoidal concrete section. NMDOT was okay with SSCAFCA using the federal funds for this portion. The cost is about \$100,000. Work will start immediately following Phase 2-A. It will be complete about 15 working days after beginning work. In response to a question from the Board, Mr. Charles Thomas stated that the remainder of the project will go out to bid in the fall. The project could have been re-bid because the State Procurement Code requires two failed bids before you can go to direct



negotiations. It was possible to try to move forward with the whole project, but the problem is the timeline of the monsoon season. This is why this small part of the project is being done now to try to mitigate any problems that might arise.

Mr. Gatterman stated that staff is looking at trying to bid this in August or early September, with a bid opening in late September or early October, with a Notice to Proceed in late October, and be done by Christmas. It will be a lower risk project at that time and will be funded by a grant from FHWA, DOT, the legislative appropriation, and any shortfall will come from SSCAFCA funds.

2. Update on Lomitas Negras Water Quality Facility, Phase 1 Project.

Mr. Dave Gatterman introduced Jared Lujan from Smith Engineering, who is the design engineer on the project. Mr. Gatterman stated that SSCAFCA entered into a contract with Salls Brothers Construction in early 2014. The construction cost was \$1.2 million. It started on the 14th of April with a 60 day construction window. There are currently 32 days into the contract. It is on schedule at this time. As part of the bid package, they recognized the fact that there was a soil cement apron on part of the channel. The contractor uncovered the whole thing and it was in great shape. The deductive amount for one of the soil cement structures and demolition was \$318,000. The contract is now at \$811,000. The \$318,000 will be moved to the Phase 2 Project. He went over the different pictures of the project with the Board explaining what they meant. The entire point of this project is to not have to remove the sediment from the Harvey Jones Channel.

Mr. Chuck Thomas stated that a follow-up item is that staff has tentatively scheduled a ribbon cutting ceremony for the Grand Opening for June 27 at 10:00 a.m.

3. Announcement of upcoming public meetings for Black Arroyo Trail project and Lower Montoyas Water Quality Facility Project.

Mr. Dave Gatterman stated that the Black Arroyo Wildlife Park Trail design is about 30% complete. This means that an alignment has been set, but there is no detail. On May 13 staff held a coordination meeting and there were many positive comments. The next step is to have a public meeting on June 3 at 6:00 p.m. There will not be a voting site here for the primary election; SSCAFCA is only a general election voting site so there will be no conflict. In response to a question from the Board, Mr. Thomas stated that the local government agreement for the bond funds are available for disbursement right now. The bridge is being constructed as part of this project. Mr. Gatterman stated that there will most likely be a September or October bid date on this and then construction through the winter. It will be funded with federal and state money.

Mr. Dave Gatterman stated that, with regard to the Lower Montoyas Water Quality Facility Project, the preliminary engineering report is complete and signed off on by NMED. The Draft Environmental Information Document is complete. There will be a public hearing at the Village of Corrales on June 12 at 6:30 p.m. From there, any public comments will have to be incorporated into the environmental information document and how SSCAFCA will address the comments. Then NMED will complete the environmental process. Staff will then ask Wilson & Co. to provide a scope and schedule for the design, with the ultimate target of finishing the design and getting out to bid this fall.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

Mr. Donald Rudy stated that the Council of Governments is in the process of putting together a group to begin creating a mid-region water plan update. This formal activity will probably last at least until the fall and it will be next spring before any actual work begins on that. Since Mr. Gasteyer left, the Executive Board Chairmanship has been taken over by Steven Anaya. The Vice-Chairman is now Jack Torres, from Bernalillo. There will be more interaction from SSCAFCA's vicinity.

**BOARD OF DIRECTOR'S COMMENTS.**

Mr. John Chaney stated that when he was at Haynes Park for Mother's Day it was jammed with people. He is wondering if SSCAFCA could look at creating another park near Civic Center at one of SSCAFCA's facilities as part of its multi-use. In response to a question from Mr. Fahey, Mr. Thomas stated that SSCAFCA does have property available for a facility like that at the Upper SLO Dam. He also suggested that the PDV Dam will be a very large facility and there will be significant opportunity to put in multi-use elements there on a larger scale. The Board directed him to review that as a project.

**BOARD OF DIRECTORS REGULAR MEETING**

**MAY 16, 2014**

Mr. Jim Fahey stated there has been an attempt to develop the Salce area that has met some obstacles, both administrative as well as from people in the neighborhood. The National Fish and Wildlife Organization has some funding and may be interested in a project such as that for the burrowing owl that was discussed before. The City may have an area in mind as well.

**PROPERTY MATTERS.**

1. Action/Acceptance – Unit 10, Block 18, Lot 19 - 2.46 acres – Tributary A Dam.
2. Action/Acceptance – Unit 10, Block 21, Lot A1 & A2 - 2.06 acres – Tributary A Dam.
3. Action/Acceptance – Unit 12, Block 20, Lot 21 - 1.00 acres – North Hills Off-Channel Facility.
4. Action/Acceptance – Unit 12, Block 20, Lot 22 - 1.15 acres – North Hills Off-Channel Facility.
5. Action/Acceptance – Unit 12, Block 20, Lot 16 - 1.00 acres – North Hills Off-Channel Facility.
6. Action/Acceptance – Unit 12, Block 28, Lot 9 - 1.00 acres – North Hills Off-Channel Facility.
7. Action/Acceptance – Unit 21, Block 111, Lot 1 - 0.86 acres - PDV Dam.
8. Action/Acceptance – Unit 21, Block 110, Lots 44 & 45 - 1.66 acres – PDV Dam.
9. Action/Acceptance – Unit 12, Block 20, Lots 10-13 - 4.40 acres – North Hills Off-Channel Facility.

Mr. Chuck Thomas stated that there are 14 lots in three separate facilities for Board approval.

A motion was made by Jim Fahey to approve the property acquisitions as presented. It was seconded by John Chaney and passed unanimously.

**FOR YOUR INFORMATION:**

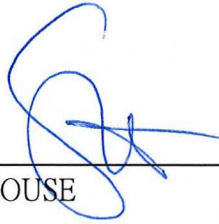
1. 2014 Proclamation – “Water Quality & Conservation Awareness Week”.
2. Rio West article, “Flood Control Project Begins”, (5/3/2014)

**OTHER BUSINESS.**

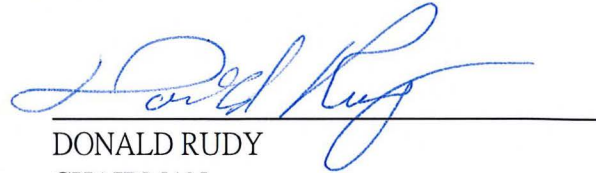
- Next Regular Board Meeting is on Friday, June 20, 2014 at 9:00 a.m.

ADJOURNMENT.

A motion was made by Jim Fahey and seconded by John Chaney to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:20 a.m.



\_\_\_\_\_  
STEVE HOUSE  
Secretary



\_\_\_\_\_  
DONALD RUDY  
CHAIRMAN

DATE APPROVED: \_\_\_\_\_

06/20/14