

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF DECEMBER 14, 2012  
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, Steve House and Donald Rudy. Charles Thomas, Executive Engineer, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

PLEDGE OF ALLEGIANCE.

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

APPROVAL OF AGENDA.

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

ANNOUNCEMENTS.

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

STAFF REPORTS:

*Executive Engineer:*

1. Legislative Update.

Mr. Charles Thomas introduced Larry Horan, SSCAFCA's lobbyist. Mr. Horan stated that SSCAFCA's election results have been certified and certain new legislators have been certified as well where contests were very close. It will be Paul Pacheco, the State Representative who took Dave Doyle's seat in Corrales. John Sapien's election has also been certified in the New Mexico Senate. There will be lots of new faces this year with 37 new members. The budget

projections are showing about a \$280 million surplus for the general fund budget over last year. That will be eaten up pretty quickly with Medicaid, cost of living increases for state employees, and healthcare costs for state employees. School boards are requesting enough money to eat up the rest of the surplus. Mr. Horan stated that last year, SSCAFCA received \$383,000.00 for the Harvey Jones Channel and that he is currently meeting with legislators to talk to them about SSCAFCA's plan for its capital outlay request for this year. Statewide capital outlay funding will be around \$220 million. Off the top of that comes Water Trust Board money, infrastructure fund and tribal infrastructure fund, which leaves about \$180 million for capital outlay projects. The executive branch would like to fund regional or statewide projects and they are asking for submissions from political subdivisions for their projects and they are ranking them on a point system. Legislators can also approve local capital projects. This is a 60 day session, which means that it starts on January 15, 2013 and ends on March 16, 2013.

Mr. Horan stated that in the recent COG meeting was a new emphasis on jobs. They had an economic development summit and the department came up with a proposed set of economic development reforms that COG has gone to local governments and asked them to support. One part is the single sales factor gross receipts tax which will change how the tax is calculated by a business in the state. This is being pushed as one of the primary reasons why there has not been business expansion in the state, particularly in manufacturing. The next is a reduction in the corporate income tax from 7.6% to make New Mexico more competitive. They also have capital outlay reform on their legislative agenda. Any change in the corporate tax structure will not have a direct impact on any funding that is available for SSCAFCA for projects or operations. Capital outlay reform is where SSCAFCA can potentially be impacted. The tension comes in for smaller governments; if you take away the ability for a local legislator to fund a local project, that may not be considered a regional project, but it is an important safety component.

Mr. Horan stated that COG actually adopted priorities which include monitoring changes to the employee retirement system, which is monitored for SSCAFCA as well, and any changes to that system will impact SSCAFCA employees. Maintaining local revenue and local authority for revenue will also be monitored and any legislation that may have a negative impact on that. There are always potential changes to the inspection of local records act and open meetings act, which SSCAFCA is also subject to, so that any changes to these acts will also be monitored.

2. Action/Acceptance of task-order with Select Properties, Inc. for Paseo del Volcan Dam Right-of-Way Acquisition.

Mr. Thomas stated that the Paseo del Volcan Dam is a project that has been in SSCAFCA's WMP for some time. SSCAFCA has recently completed an appraisal of the properties

in that area. Staff would like to issue a task order to proceed with acquisition of those properties. There are about 34 properties that staff is looking at acquiring. The cost of the task order, based on the on-call contract, comes out to \$100,454.06.

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

3. Staff Project Update:
  - a. Gateway Pond Permeable Parking Lot;
  - b. Montoyas Arroyo Bank Stabilization;
  - c. Tract 17 Pond Water Outlet Improvements;
  - d. Willow Creek WMP; and
  - e. Calabacillas WMP.

Mr. Thomas stated that the park project at Gateway Pond is proceeding quite nicely. The grading of the ramp into the park has been fixed and they are finalizing the installation of park amenities for the kids. The plans have been completed and are currently at the City awaiting review and approval to move forward. As soon as it is received, staff will put that project out to bid and get it completed.

Mr. Thomas stated the second project is the Montoyas Arroyo Bank Stabilization project. The arroyo tends to shift and some areas, especially in the Loma Colorado area, are encroaching on properties on the southern bank. SSCAFCA has completed a survey and are proceeding with an in-house design to solve that problem. It is a safety issue for property and staff is concerned for properties being negatively impacted by the arroyo possibly collapsing in and damaging walls and property. This is an opportunity for SSCAFCA to test and evaluate some of the various bank stabilization processes that are out there to find out which work best. LEE lines have been established on all of SSCAFCA's arroyos, with the exception of the Calabacillas, which is in process right now.

Mr. Thomas stated that the next item they are working on is a design improvement on Tract 17 Pond Water Outlet. The Tract 17 Pond is in the Cabezon Subdivision. Along with providing improvement to the outlet structure, staff is providing some more appropriate safe access for staff to get in to perform the maintenance functions. SSCAFCA is working with the City on this project. Once approval on the plans is received, getting the project to bid and completed should be within two to three months.

Mr. Thomas stated that the last two items are the Watershed Management Plans that he has been working on. He has the final draft for Willow Creek at this time. The final product will be presented to the Board at the February Board meeting. The second is the Calabacillas Watershed Management Plan and is being done in partnership with AMAFCA. Work is proceeding on this. Development in the watershed is pretty minimal at the moment so there is a relatively clean slate to establish the best locations for flood control facilities.

4. Development Status Update.

Mr. Thomas stated that the only plan is the Stolar Research Facility, which is in the US 550/NM 528 area. The facility is a new facility going in and the only quirk is that the facility plan was located on the border line of two basins. The hydrology had to be looked at to see into which basin the flow should be directed. The solution presented by the developer was approved. The facility is an application of a mining industry using geophysical techniques for security on the border for detection of underground tunnels and other subsurface security issues.

*Environmental Services Director:*

1. Harvey Jones Channel improvements project update - additional design option presented to SSCAFCA by BHI and results of public meeting on December 12, 2012.

Mr. Dave Gatterman stated that on November 20, 2012, SSCAFCA received the draft from Bohannon Huston. Late in the process, Bohannon Huston identified another potential option for design, which was the trapezoidal channel design. Right now they are in the process of completing the modeling for that. The major upside is, during construction, it will minimize traffic obstruction in the Village of Corrales. Completion of the DAR will be done sometime in January 2013.

Mr. Gatterman stated that SSCAFCA hosted the agency coordination meeting on November 28, 2012. Twenty six agency personnel attended the meeting. After discussion, everybody agreed that the trapezoidal construction was the right approach to the channel. This option eliminates the traffic re-route within Corrales. The entirety of the work would take place within the existing walls of the channel downstream of the Corrales Road Bridge. MRGCD pointed out the problem with protecting the site from damage. Potentially, the project (under either option) would eliminate the sill from the back end of the Harvey Jones Channel in order to move the hydrologic jump to the downstream side of the bridge. NRCS believes that dealing with the sediment was the key to assuring the proper function of the Harvey Jones Channel. They mentioned the possibility of a sediment transport analysis in the meeting. Sandia Pueblo wanted to ensure the

velocities of the water as it exited the channel were not increased. The NMDOT thought that a possible issue may trigger some Section 7 requirements and add some additional environmental work. NMDOT wanted a hydrolic analysis of the effect of the sediment basin on where the location of the hydrolic jump would occur after that.

Mr. Gatterman stated that at the MRGCD meeting, they were concerned about the fact that the syphon was going to be within fifteen feet of the edge of the pond and they wanted to be sure that the syphon would not be damaged. They also mentioned the possibility of armoring the wall that would be right next to the syphon. They also want to review the design of the channel modifications before any type of authorization is issued to SSCAFCA. There is also the possibility of replacing the syphon with a more durable material. His personal belief is that this does not need to be done, but staff will work with MRGCD to find out exactly where that will lead.

Mr. Gatterman stated that they also had a meeting with the NRCS and Mr. Ford, who was one of the original design engineers on the project, regarding structural issues with the proposed trap option and the need (or lack thereof) for sediment transport. The discussion centered around the minimum level of thickness of concrete on the trap channel to ensure long-term structural stability. If an engineer did the structural analysis and sealed the drawings with a lesser thickness of concrete than was there, NRCS would be fine with whatever the engineer came up with. So long as a licensed engineer does the analysis and says it's okay, the NRCS would be fine with it, but they would still have their people review it. With regard to the sediment transport issue, SSCAFCA went over the proposed water quality projects at the beginning of the Harvey Jones Channel and the Dulcelina Curtis Channel. Staff thought that doing a sediment transport analysis now would be an unneeded expenditure considering that these facilities would be under construction as early as Fall 2013.

Mr. Gatterman stated that on December 12, 2012, a public meeting was held in the Village of Corrales. There were approximately 20 people at the meeting. The two design options were discussed. His impression from the meeting was that there was really no clear option. NRCS felt the crowd was leaning more toward the trap option and he is waiting for the final notes from Bohannon Huston to determine that. After they met with MRGCD he pulled the details from the original NRCS plans on the culverts and it was two pipes, 12 gauge, and he did a life cycle analysis based on the information available. He came up with a life cycle of 75 years. Based on that information, it would seem that the pipes are probably in pretty good shape. They did find that the Corps of Engineers had identified a deficiency as part of their levy inspection process on the syphons. They asked for a copy of that report. The deficiency that was identified was minor rust on the inlet grade. He stated that they also received a copy of the original license that was granted to the Corrales Watershed District. It said that Corrales Watershed District had a license to construct, operate and maintain the syphon. Assuming that SSCAFCA is the assigned on the agreement,

SSCAFCA is on the hook to convey water from the north end to the south end of the Harvey Jones outlet.

Mr. Gatterman stated that when they started looking at the trap option, the NMDOT found that the bridge was not being directly impacted. So, would the NMDOT funding even be eligible for this project? This question is now going through the channels to find out if the money can still be used. Mr. Thomas stated that he has been in conversations regarding this issue. He thinks that the NMDOT understands and supports the trap option which is the same goal of improving the flow under the bridge, thereby protecting the bridge and the increase in flow on the 528 project. Obviously, if this funding were to be pulled, that would eliminate SSCAFCA's support for the 528 project, which would grind that to a halt. He is also prepared to meet with Secretary Dominguez in Santa Fe should that be necessary.

2. Lomitas Negras and Montoyas Water Quality Feature quotes obtained from NCS Engineers.

Mr. Gatterman stated that SSCAFCA has received a quote from NCS Engineers for the Dulcelina Curtis and Saratoga Dam Projects, which is about \$23,000.00. The intent is to proceed forward with that and try to get ahead of the entire process. Staff is still waiting on a quote for the Montoyas side for the water quality feature.

3. MS4 Permit update.

Mr. Gatterman stated that he has mailed in the fifth annual report for Phase II of the MS4 Permit on December 10, 2012. Presumably this will be the last year. There was supposed to be a meeting on December 11, 2012 with the stakeholders of the Permit, but was indefinitely postponed by the EPA until they can review the Permit further to make sure they are ready to proceed with giving the Permit to the stakeholders for review. SSCAFCA doesn't have a status report from any of the agencies on this at this time. The final submittal did not contain any monitoring information aside from that generated by EPA in their report. SSCAFCA has not had an opportunity to comment directly on the monitoring that might be proposed in the watershed based permit.

4. Project schedule received for Black Arroyo Open Space Master Plan project from Sites SW.

Mr. Gatterman stated that staff has received a schedule from Sites SW for the project milestones and how they want to go forward. The schedule is in the Board's packet. The contractor is performing the field work this month and will begin drafting the master plan after the

field work is complete. The agency stakeholder meeting should be held on January 28, 2013. Considering the amount of support in the public meeting regarding the bridge, he is hopeful that there could be some sort of grant for it. Sites SW is proposing to submit the draft to the Board at the February Board meeting and is targeting the finalization of the Master Plan for April. Typically, these types of spans are pre-fabricated. You do have to go through the permitting process. Construction time will probably be a couple of months.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services Report for November 30, 2012.

Ms. Deborah Casaus presented the Fiscal Services Report for November 30, 2012. Property tax collections have remained stable. SSCAFCA should start seeing tax year 2012 tax collections come in this month and next month. General Fund expenditures through the month of November amount to 20.5% of the total budget and SSCAFCA is currently 42% through the fiscal year.

Ms. Casaus stated that at the time of her report, the City of Rio Rancho single family residential permits were not available. She did check the website today and for the month of November there were 22 permits issued. That puts the City about 48% higher than last year. Interest earned on the State Treasurer's local government program is about .163% for the month of November.

The Board acknowledged the Fiscal Services Report for November 30, 2012.

2. Acceptance of the Fiscal Year 2012 Audit Report.

Ms. Casaus stated that the audit was submitted to the State Auditor's office and was approved. SSCAFCA did receive a clean, unqualified opinion, which is the best opinion that can be received. There were no findings or reporting of material weaknesses. The general fund balance increased by about \$400,000.00. Capital assets also increased by about \$1.5 million, \$1.1 million of that was made up of land purchases and the remaining was for capital improvements.

A motion was made by Jim Fahey to accept the Fiscal Year 2012 Audit Report as presented. It was seconded by Mark Conkling and passed unanimously.

3. Action/Acceptance of contract renewal with Larry Horan for Professional Lobbyist Services with no requested changes.

Ms. Casaus stated that Larry Horan has requested contract renewal, with no changes. This is year three of a four year contract.

A motion was made by Mark Conkling to accept the contract renewal with Larry Horan as presented. It was seconded by John Chaney and passed unanimously.

- 4. Action/Acceptance of contract renewal with Huitt Zollars, Inc. for Surveying Services with requested fee changes.

Ms. Casaus stated that Huitt Zollars, Inc. has submitted a contract renewal with requested fee changes. Mr. Thomas stated that the changes being requested is a 3% increase on a survey technician and an 8% increase on the cost of a two person crew and a 34% increase on the cost of the three person crew. Ms. Casaus stated that this is the fourth and final year of the contract and no increases have been requested on this contract in the first three years. With these changes, this puts them right in the middle of surveying contractors with SSCAFCA at this time.

A motion was made by Jim Fahey to accept the contract renewal with Huitt Zollars, Inc. as presented. It was seconded by Steve House and passed unanimously.

- 5. Action/Acceptance of Professional Services Contract Renewals with no requested changes for:

<u>Surveying</u>	<u>Engineering</u>	<u>Appraisal</u>
Bohannon Huston, Inc. Community Sciences Corp.	Stantec Consulting	Shipman & Foley & Assoc., Inc.

Ms. Casaus stated that the surveyor contractor renewals for Bohannon Huston and Community Sciences Corp; engineering for Stantec Consulting, and appraisal for Shipman Foley & Associates are up for renewal, with no requests for increases.

A motion was made by Steve House to accept the contract renewals as presented. It was seconded by Mark Conkling and passed unanimously.

**CHAIRMAN’S REPORT.**

Mr. Rudy stated that governmental agencies should be directed to SSCAFCA’s website with regard to art and aesthetically pleasing projects that have been done by SSCAFCA so that the public can be informed regarding this issue.



**BOARD OF DIRECTOR'S COMMENTS.**

None.

**COMMITTEE REPORTS.**

Mr. Chaney asked about the status of the recognition of the former Executive Director. Mr. Thomas stated that this has not been pursued as of yet, but it is on the radar screen but is farther down the list than some other items.

**ACTION/APPROVAL OF THE MINUTES OF NOVEMBER 16, 2012.**

A motion was made by Mark Conkling to accept the Minutes of November 16, 2012 as presented. It was seconded by Jim Fahey and passed unanimously.

**ATTORNEY'S REPORT.**

None.

**PUBLIC FORUM.**

None.

**PROPERTY MATTERS.**

1. Purchase of two properties for the Bernalillo Water Quality Facility – Lots 10A & 12 of Nazcon Subdivision Phase II.

**FOR YOUR INFORMATION:**

1. Rio Rancho Observer article, "Texas Company forecloses on Mariposa Community Center", (11/28/12).
2. Corrales Comment article, "Public Involvement Meeting for the Harvey Jones Channel Bridge Improvements", (11/24/12).

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3. Corrales Comment article, "What Will Best Correct Danger at Jones Bridge?", (11/24/12).

**OTHER BUSINESS.**

Regular Board meeting on Friday, December 21, 2012 at 9:00 a.m. has been cancelled.  
Special Board meeting is scheduled for Wednesday, January 2, 2013 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 10:15 a.m.

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DONALD RUDY  
CHAIRMAN

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STEVE HOUSE  
Secretary

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

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