

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF OCTOBER 18, 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, Jim Fahey, Steve House, and Donald Rudy. Mark Conkling and Bernard Metzgar, SSCAFCA's attorney, were noted as absent. Charles Thomas, Executive Engineer, 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 SEPTEMBER 30, 2013.

A motion was made by Jim Fahey to approve the Minutes of September 30, 2013 as presented. It was seconded by John Chaney and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

*Executive Engineer:*

1. Action/Acceptance of Joint Powers Agreement for Reauthorization of Salce Park Funding.

Mr. Charles Thomas stated that there is a question on the existing Agreement over the duration of the Agreement. Staff thinks that it's likely that the existing Agreement still stands and is valid. In the interim, John Appel, attorney for the Village of Corrales, has provided an updated version to reauthorize it. There are no significant changes to the Agreement. Mr. Metzgar has been unable to provide his opinion on the Agreement due to a jury trial he is in at this time. The Salce Park project is regional to an extent but is below the normal 500 cfs standards.

A motion was made by Jim Fahey to accept the Joint Powers Agreement as presented. It was seconded by Steve House.

Mr. Thomas stated that there are three historic projects under the 500 cfs guidelines that SSCAFCA has been involved in which provided funding to the residents in Unit 17. The first is Guadalajara Road drainage improvements which were done in 2006; the second was the Alberta Road project; and the third is the Saratoga Dam project. These three projects will provide some relief from flooding in Unit 17. It will not address a lot of the local flooding concerns that remain due to the lack of flood control infrastructure, basically roadway drainage elements. The Salce Park funding was originally \$400,000. The Village did request reimbursement for approximately \$118,000 of that, which SSCAFCA has done in the past year and a half. The total amount is not increasing beyond the original amount.

Staff is seeking funding from FEMA for the Unit 17 project. The total cost for that right now is estimated at \$1.5 million and staff is seeking 75% of funding from FEMA, so SSCAFCA's amount should be about \$400,000 in local contribution to match that. Staff is also asking that this project be funded by the legislature as part of the capital outlay package. Hopefully, the funding for that will be minimal from SSCAFCA.

Mr. Rudy stated that SSCAFCA has tried to avoid channeling the arroyos, as has occurred in the City of Albuquerque. Mr. Fahey stated that it is the Village's responsibility to put in the pipes for the drainage that will be needed. Given the situation, the only alternative is to move it down into Salce Park for the least impact to the neighbors. Mr. Thomas stated that staff is looking at a number of things over which SSCAFCA has control. Once you get downstream of the Corrales Heights Dam, the property becomes private property in the arroyo. Just below that facility, the homeowners are willing to give SSCAFCA an easement over their property that is in the arroyo. The flooding that occurred in the July storms was partly created when the diversionary structure failed and that flow went down the traditional arroyo. That problem has been corrected and a permanent fix is in the works. The failure was caused by sloughing of the material on the downstream face of the dam. Staff is looking into flattening the slope and adding terracing to control the erosion in the

future. Staff is also working with the Village in providing LEE lines for the arroyo for additional education of the public.

The motion passed unanimously.

2. Discussion of Sediment Sale Agreement with Waste Management.

Mr. Charles Thomas stated that this is awaiting final legal review from SSCAFCA counsel. SSCAFCA did not receive a large number of complaints from the storm in September because the rainfall fell in the upper reaches; however, it did generate a significant amount of flow that resulted in the accumulation in excess of 200,000 cubic yards of sediment in SSCAFCA facilities. This is a significant amount of material. The difficulty is finding a location for disposal of the material. Staff was looking for solutions for the disposal of the material. One obvious solution is to take it to Waste Management which has indicated that it could use up to 350,000 cubic yards of material for its closure plan of the landfill. An agreement is being drafted at the base sale rate of \$0.50 per cubic yard that was authorized by the Board for delivery to the facility. Once counsel has a chance to review the agreement and gives comments and approval, staff will move forward with this matter.

Mr. Thomas stated that the Harvey Jones sediment pile is around 90,000 to 130,000 cubic yards. However, the routes of access in that area are limited. With the creation of Access A to the northwest section, the Village had installed a five ton limit on that roadway. From the arroyo to Don Julio Road is much shorter and will have less of an impact on the Corrales residents. The Village has waived the five ton limit requirement on Access A. Staff has gone out with the Village engineer and have identified the culvert crossing that the trucks will go over. Mr. Fahey stated that he would like some sort of signage on the ramp from the arroyo indicating that it is not to be accessed by the public. The cul-de-sac of Don Julio Road will most likely need to be redone because of the trucks. SSCAFCA has already documented that it would repair the road following the haul.

3. Notification of Approval of "Public Interest Finding" Request.

Mr. Charles Thomas stated that this is a term used by the Federal Highway Administration. When SSCAFCA was originally working on the hydraulic fix on the Harvey Jones Channel, staff had approached the NMDOT for funding which had granted \$600,000 worth of funding. Further engineering revealed that increasing the slope of the downstream channel and removing the sill was a more effective way to increase the hydraulic capacity under the bridge. However, there was a problem with the FHWA when they became aware of the switch in the project. The new project was outside of their right of way. FHWA denied SSCAFCA's use of the funds for that project. After

the trip to Washington, it was discovered that there is a “public interest finding” concept which is in the statute which allows an exemption to be granted to any agency which is going to use federal highway funds outside of their right of way but with the express intent of protecting the infrastructure. After finding this out, SSCAFCA did submit a request to the local FHWA office, which concurred with the finding and SSCAFCA finally received the formal approval for the use of those funds. The funding had actually been withdrawn, but has since been reauthorized.

4. Notification of Federal Disaster Declaration of Storms Occurring July 23rd - 28th.

Mr. Charles Thomas stated that the fact that this wound up being a federal declaration means that it was signed by the President. The damage limit from the 1,000 year storm was obviously reached in order for the federal government to become involved. This was good news because it allows SSCAFCA to request reimbursement for the work done in restoring those facilities during that event. SSCAFCA is in the process of gathering the information and will submit it to FEMA.

5. Update on Storm Cleanup.

Mr. Charles Thomas stated that since the September events there have been no further events. Given the scope of the damage caused by that storm, the cleanup is ongoing.

Mr. Jim Service stated that everything is going about as fast as his crews can go. They finished with the Northern Sediment Pond. Sportsplex Dam is finished in the water quality feature and they are moving west on that. They are doing the flood pool now which is a massive effort. There is 40 acre feet of sediment in that flood pool. They have two scrapers and are trying to work with Pulte to dispose of some of the sediment in an easement that SSCAFCA has there, but the Corps has an easement over it for the berm now. It's unknown if there's just a portion of that property that is dedicated to the burrowing owl habitat. Right now, they are hauling east of the ball fields at Sportsplex for the City to use for bank stabilization along the ball fields. Once that is maxed out it will go up to the landfill. The only thing that may have to be done at Harvey Jones, outside of what was already covered by Mr. Thomas, may be some impact bumps on the residential road which may have to be milled and resurfaced.

Mr. Thomas stated that the Montoyas Arroyo has continued to move to the south which has begun to encroach on the Sportsplex Park Facility. The arroyo is eroding closer to the back fences of the baseball fields. There was a plea from the Parks Department to assist them with

correction on that. They had received a Corps permit prior to the shutdown. One of the aspects of the permit will require a permanent fix to be installed. However, on a temporary basis, the Corps did allow the City to protect the installation of a sacrificial field.

6. Impacts of Federal Shutdown.

Mr. Charles Thomas stated that during the shutdown, some of the impacts experienced by SSCAFCA were in the educational area with the children's water festival where all agencies pulled out from that because of funding issues. Regarding the projects, the Harvey Jones Project was held up by NRCS because NRCS needed to review the plans. None of the Corps of Engineers permits could be obtained during the shutdown either. There is no indication with regard to delays on the MS4 Permit, but he is sure the EPA will be running at least a couple of weeks behind.

7. Development Status Update.

Mr. Charles Thomas stated that there was one subdivision, Cielo Azul, which came in for summary plat approval. The biggest issue there was making sure they had proper drainage. They had mistakenly brought in a plan that had some drainage going directly into one of SSCAFCA's facilities. The Unser Pavilion project has gone in for a lot consolidation, but had nothing significant from a drainage perspective. The other project of interest is Springer Plaza which is just to the north of Gateway Park and adjacent to the proposed 19th Avenue Dam. They went for a zone change from residential to commercial and there was a site review for a gymnastics facility. Things continue to stay fairly quiet.

Mr. Thomas stated that an item that is not on the agenda, but that he wanted to address, is basically a personnel issue. SSCAFCA has filled Sandy Parker's position. Erica Baca received a promotion and will assist Debbie with Fiscal Services.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services Report for September 30, 2013.

Deborah Casaus presented the Fiscal Services Report for September 30, 2013 which is in the Board's packets. Property tax collections are coming in as expected and SSCAFCA is still collecting last year's property taxes. General fund expenditures through the month of September are about 13% and SSCAFCA is 25% through the fiscal year. There will be a spike in that in October because a lot of the expenditures incurred in September will be paid in October and a lot of the work being done will be seen then. Mr. Thomas stated that he is not sure of the exact time frame of reimbursement of the federal funds, but he is hopeful that it will be this fiscal year. There were 31

single family residential permits issued by the City of Rio Rancho, for a total of 379 for the year. There was no change in the interest rate with the State Treasurer's office.

The Fiscal Services Report for September 30, 2013 was recognized and acknowledged by the Board.

2. Action/Acceptance to Certify SCAFCA's Inventory of Capital Assets.

Deborah Casaus stated that, as required by the New Mexico Administrative Code, SCAFCA is required to bring its capital asset inventory to the Board for certification. That list is enclosed in the Board packets and has been approved by the Executive Engineer. For fiscal year 2013, about \$1.4 million has been added in right-of-way. This consists of about \$1.1 million purchased and about \$300,000 donated right-of-way. It also consists of about \$617,000 infrastructure, of which \$126,000 is construction infrastructure and about \$490,000 was donated.

A motion was made by Jim Fahey to certify SCAFCA's Inventory of Capital Assets as presented. It was seconded by John Chaney and passed unanimously.

3. Action/Acceptance of Selection/Agreement with Maid Brigade for Professional Janitorial Services.

Deborah Casaus stated that an RFP was sent out. SCAFCA received four proposals, one of which was deemed non-responsive because it did not comply. A committee met and evaluated the proposals and selected Maid Brigade for the janitorial services.

A motion was made by Jim Fahey to accept the agreement with Maid Brigade for janitorial services as presented. It was seconded by John Chaney and passed unanimously.

***Environmental Services Director:***

1. Action/Acceptance of the Umbrella Cooperative Agreement for the MS4 Permit.

Mr. Dave Gatterman stated that this is one of the three cooperative agreements with regard to the MS4 Permit. The one that is currently in force is the Storm Water Quality Agreement, which will be amended so that other entities can join. The second is this Agreement, which is an umbrella agreement which basically says that the entities will agree to work cooperatively to develop materials for each other to use, submitting information to each other, and sharing information. It covers every element of the Permit. It is staff's understanding that any entity that signs this

Agreement will be placed on a longer timeline by the EPA for the implementation schedule. The last one will be a Cooperative Sampling Agreement but it is not before the Board today. There is no financial obligation on anybody for this Agreement. Entities can get in or get out at any time. It is basically a forum to discuss items and see how entities can help each other. The Agreement has already been signed by the Village of Corrales and the Town of Bernalillo. It will be before AMAFCA's Board next week. The Department of Transportation is moving it up its chain right now. The Department of Energy is moving up its chain as well and has been participating in the development. Sandoval County is pushing it up its chain.

A motion was made by Jim Fahey to accept the Umbrella Cooperative Agreement for the MS4 Permit as presented. It was seconded by Steve House and passed unanimously.

**COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

Do a letter of thanks to Mayor Gasteyer for access and to Don Martinez, FHWA.

**PROPERTY MATTERS.**

1. Action/Acceptance - Unit 21, Block 71, Lot 26 - 0.86 acres – Upper SLO Dam.

Mr. Thomas stated that staff is seeking approval for the purchase of this lot. The piece for the Upper SLO Dam is a key piece of property for the project. It is the last piece of property and staff was finally able to make contact with the property owner.

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

**FOR YOUR INFORMATION:**

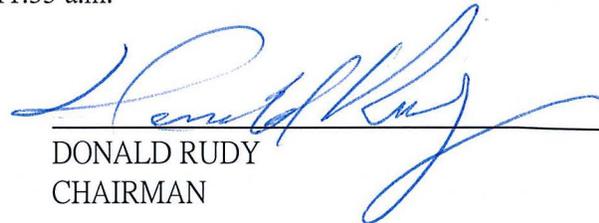
1. Albuquerque Journal article, "From Drought to Drenched", (09/17/2013).
2. Rio West article, "Digging Out", (09/21/2013).
3. Rio West article, "Moving Mount Dustmore", (10/05/2013).
4. 10/7/2013 correspondence from the Village of Corrales approving sediment removal haul route.
5. Rio West article, "Fight Looms Over Repair Costs from Flooding".

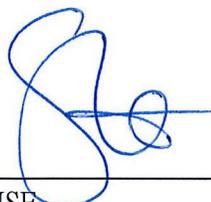
**OTHER BUSINESS.**

- Next Board Meeting is on Friday, November 15, 2013.

**ADJOURNMENT.**

A motion was made by John Chaney and seconded by Jim Fahey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:35 a.m.

  
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DONALD RUDY  
CHAIRMAN

  
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STEVE HOUSE  
Secretary

DATE APPROVED: 11/15/13