

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF MAY 20, 2016  
BOARD OF DIRECTORS REGULAR MEETING

CALL TO ORDER.

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

ROLL CALL OF DIRECTORS.

Directors in attendance were John Chaney, Mark Conkling, James Fahey, Steve House, and Michael Obrey, who arrived at 9:25 a.m. 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 James Fahey.

ANNOUNCEMENTS.

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

APPROVAL OF AGENDA.

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

ACTION/APPROVAL OF THE MINUTES OF APRIL 15, 2016.

A motion was made by Steve House to approve the minutes of April 15, 2016 as presented. It was seconded by John Chaney and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS.

*Executive Engineer:*

1. Update on Water Trust Board Application - Rainbow Pond.

Mr. Charles Thomas stated that SSCAFCA had been waiting on the last meeting of the Water Trust Board when they announce all entities who received funding for the 2016 legislative session. SSCAFCA was an award recipient and received \$877,000 for construction of Rainbow Pond. During the session, the Legislature pulled out \$9 million from the Trust Board's funding to fund specific statewide projects. This reduced the amount that could be shared among all the entities to \$13 million that had applied for money. SSCAFCA was ranked highly within the flood prevention category. SSCAFCA received an email from the Water Trust Board about a month prior to the final decision noting the fact that it had lost a lot of its funding and it asked for applicants to reduce their requests. During the May meeting, its staff pointed out that there were only four entities who did reduce their requests. SSCAFCA reduced its request by about 10% to help spread the money around the state and gained some favorable light by the Water Trust Board. SSCAFCA's ranking in the original process was first, and SSCAFCA wound up being the second project awarded in flood control. Staff has already begun identifying potential projects for the 2017 cycle, which has been shortened by the Water Trust Board. Construction will probably begin during the winter of 2016-2017, and the project is being designed in-house.

2. Presentation of Award from ACEC NM for Lower Montoyas Water Quality Facility.

Mr. Charles Thomas stated that Wilson & Company is the design engineer of record for the Lower Montoyas Water Quality Facility and submitted the project on SSCAFCA's behalf to ACEC NM. The projects are subdivided into several different categories. Dan Aguirre, of Wilson & Company, presented the award and plaque from ACEC NM to the SSCAFCA Board. He thanked the Board for allowing them to get creative with the project.

Mr. Charles Thomas stated that a ribbon cutting is scheduled for June 2, 2016 at 10:00 a.m. Wilson & Company is sponsoring the event. Senator Tom Udall has agreed to be the keynote speaker at the event.

3. Presentation on 2018-2022 Infrastructure Capital Improvement Plan (ICIP).

(Michael Obrey arrived at the meeting during this presentation.)

Mr. Charles Thomas stated that all public agencies are required to update their ICIP annually. It is managed through the Department of Finance and Administration and requires a thirty day public posting and opportunity for public comment. This meeting today serves as the opening of the thirty day period. One of the key elements that has come up with the state over the last several

years is the listing of the ICIP as an eligibility requirement for state funds, particularly with the top five projects.

Mr. Thomas stated that the ICIP over the last few years has been variable in the sense that staff has taken a few years to get all the projects identified and put on the list. Some of those can now be removed from the list because construction is either complete or SSCAFCA is moving forward on some projects. One of the problems is that projects cannot be renamed in the system once they've been put on the list, so some of the old names are still there next to the new names. Three projects that were removed from the last list are the Upper SLO Dam (Campus Dam); the West Side and Rainbow Pond Road Project (a combination project with Tributary A Dam and the Rainbow Detention Facility); and Rainbow Dam. Some other projects have been added as well.

Mr. Thomas stated that in years past there was a significant focus on where the arroyos discharge into the river. Now, SSCAFCA is starting to move farther upstream as facilities are completed. The first project is erosion and grade control. Where the embankment was encroaching on existing development, moving forward, staff will be looking at the projects that will fall into a general concept. One is to look at horizontal bank stabilization where there is encroachment on existing development. The second is vertical stability by adding in grade control structures within the channel itself. The third element that is being added is looking at converting the arroyo systems themselves into a piped system where it is appropriate.

Mr. Thomas stated that the Lisbon Dam project is now number 2 on the list. This also incorporates the crossing structure over the major gas lines. The preliminary design is completed and in place. This project has been submitted for funding to FEMA through the Hazard Grant Mitigation Program. Staff has received word that SSCAFCA has passed muster on the benefit cost analysis, which is an eligibility requirement. Hopefully, SSCAFCA will receive a 75% grant of award on this project later this year. The third project is Saratoga Dam, which is a large project. The projected cost is around \$5.4 million. It incorporates the first portion just to the west of Saratoga Road, which is intended to be designed as an off-channel capture facility and only targeting the peak flows. This will be a new engineering design concept. This was also the subject of the modeling at UNM. The second portion of the project is a reaction to the first part. In order to create the facility, there is a projected excavation of approximately 260,000 cubic yards of earth. Just east of Saratoga Road, and west of 528, there is a large portion of property which is owned by Rio Rancho Public Schools and has a drainage easement on both sides. There is an opportunity to fill in the area and bring it out of the flood plain and make it usable property for the school or other development. Staff has initiated discussions with the City of Rio Rancho and Rio Rancho Public Schools on partnering with the funding on this project. They are agreeable in concept. The largest portion of the funding right now is from

the FEMA Hazard Mitigation Program of \$4.1 million. This is a 75% benefit. SSCAFCA has received word from FEMA that SSCAFCA has qualified with the benefit cost ratio and it is an eligible project.

Mr. Thomas stated that the state FEMA program has requested from the Legislature, and received, funding to use as matching funds for these projects. The state can, if they so chose, fund anywhere from 0% to 100% of the match component. He stated that the legislature is looking at any funding source that stays idle, so there is a push among agencies to get the money out and obligated so the Legislature doesn't draw the money back in for a different project. The fourth project is the Guadalajara Improvements Project. SSCAFCA is currently looking at updating the design to capture the next phase and have it available as a project to be funded by FEMA in the future. The Notice of Application has been submitted and it has been assigned to a pool of funds of storm events.

Mr. Thomas stated that the fifth project is the Unnamed Arroyo Improvements. This is now known as the Bosque de Bernalillo Project. This is one of the projects which SSCAFCA did receive funding for from the State Legislature and staff is moving forward with design and construction of this project. The hope is to get the lower portion of the facility, with everything adjacent to what SSCAFCA already owns, down to Sheriff's Posse Road with the new meandered path, the improved corridor for wildlife, as well as the first flush capture. It is anticipated that the design will be completed shortly and move into construction. The goal is to have it substantially complete by October of this year. In the reach immediately upstream, the arroyo is not within the easement channel and has meandered onto private property. The arroyo is at grade, or even above grade, with some of the nearby houses on the south side. If there was significant flow in this area, it is likely that there would be breakout and those homes would be at risk for flooding. There is now a secondary project of improving the channel and developing a more stabilized channel to contain the flow from the upper basin. The Coronado Watershed will be completely resolved upon the completion of this second phase.

Mr. Thomas stated that the Cactus Ponds Project is being submitted for funding with the pre-disaster funding program with FEMA. The Industrial Park Water Quality Feature is currently in conceptual design to capture the stormwater from the City of Rio Rancho Industrial Park and taking that pre-treatment flow into the Lower Montoyas facility. The impetus for beginning this project was the next phase of the upgrade of 528 to three lanes in each direction. However, that project is stalled. NMDOT has pulled the funding for that project and assigned it to other locations. At this point, it is unknown when the project will move forward. However, since SSCAFCA has finished the hydrology associated with the increase in impervious surface, it still has the opportunity to move forward and develop the project in advance of the highway project so that the area will be prepared to receive the flow.

In response to a question from the Board, Mr. Thomas stated that the Cactus Ponds Project is a series of three facilities along with some natural channel that SSCAFCA hopes to improve. It is located above a development on Northern Boulevard next to the Calabacillas Arroyo. There is a natural tributary that takes flow down from the Paseo del Volcan alignment and brings it down through the development. One of the unique things about it is that although the anticipated flow is upwards of 1,100 cfs with the 100 year storm event, you don't see any incising in that channel, so it has remained a hidden threat. All of the homes in the area developed on their own so there was no plan for any regional infrastructure. Part of it is in the County and part is in the City. The first problem is the box culverts at Northern Blvd, which are greatly undersized to handle the flow. Most of the developments are on wells and septic tank systems. There are some water lines for the homes on 10th and 11th. SSCAFCA is looking to take the flow from the larger facility upstream and meter the flow out into a meander through property SSCAFCA owns, and then bring it into a detention facility to control the discharge into a pipe. Pipe will have to go in because the development has already occurred. SSCAFCA has the majority of the property. Right now, the only pieces it does not have are six parcels, but they are being evaluated to see if they will be required for the project or not. This property is privately owned, and it is not owned by AMREP. He is not aware that any of the property owners have been warned of the situation. He believes the City is currently working on a project right now. This property is within the original AMREP platting and drainage easements were established along the natural channels. The plats generally do contain an easement that runs through the area, but you have to go back to the original plat to find them, and they are not contained in the electronic system. Mr. Thomas stated that the main facility will be at 14th Avenue where the swale is located. SSCAFCA has 100% of the right-of-way for that facility. He stated that staff was successful in obtaining all the connected property pieces and there is a contiguous flow path that is not encumbered by any homes from the upper facility. If SSCAFCA were to receive funding from the Pre Disaster Mitigation grant, it would be received prior to the end of the federal fiscal year.

4. Presentation of Washington D.C. Lobbying Trip.

Mr. Charles Thomas stated that Dr. Fahey, Ms. Conran and he went to Washington to meet with ten different entities. They met with the Congressional Delegation, Senator Tom Udall, Senator Heinrich, Senator Ben Lujan and Congresswoman Michelle Lujan-Grisham. One of the key outputs was that they were able to initiate discussion on having Senator Udall appear for the ribbon cutting in June. Generally, being able to be physically in Washington and meet with the delegation is continuing to increase SSCAFCA's presence and Washington's recognition of the agency. They also met with the Environmental Protection Agency, the US Army Corps of Engineers, the Department of Interior National Parks Program, the National Association of Flood and Stormwater Management

Agencies, the Federal Emergency Management Agency, and the National Resource Conservation Service. SSCAFCA did receive confirmation of delegation support for the pre-disaster mitigation project (Cactus Ponds). Additionally, they received guidance on PDM submittals in general from FEMA itself. They received support from the Corps on the regional flood study, which was designed to help develop facility designs upstream of Paseo del Volcan alignment. The way that the development has occurred, and the way that their cost model works, the Corps also requires a one-to-one ratio for economic benefit of the project to be deemed eligible. However, they tend to break it up in several phases, so they will fund design level activities only in addition to funding construction. Those have different criteria for economic benefit, with construction requiring a much greater degree of economic benefit. With some of the areas of sparse development that are in the SSCAFCA jurisdiction it will be a tough road to get construction funding through their process, except for very small projects. The large regional flood study may meet the requirements as a design only project.

Mr. Thomas stated that EPA has asked to use SSCAFCA's Lower Montoyas Project as an example for their clean water state revolving fund green initiative. SSCAFCA has been invited to join NASFMA, the National Association of Storm Flood Management Agencies Committee to meet with FEMA. NASFMA is funded primarily through FEMA and EPA and the Corps. SSCAFCA was also invited by EPA to join the federal advisory committee to EPA to have a representative on that committee. The federal government has passed FACA, the Federal Advisory Committee Act, which mandates that all the major agencies have a committee composed of local representatives throughout the country to help advise them on policies moving forward. By sitting on the committee, SSCAFCA will be able to bring the problems of the arid southwest to the EPA's attention. It was the consensus of the Board that staff take whatever action is needed to be on the committee.

Mr. Thomas stated that many of the funding sources that are distributed by the federal government contain discretionary elements that are intended to be given out to local project leads for project elements. One example of this is the recreational funds with the National Park Service. Since about 1999, the State of New Mexico has consumed those funds wholly for support of park service projects. This is an indication that, as every state struggles economically, they are looking at the funds that can be used by the state or handed out to local entities and have made the decision to prioritize funding state projects.

Ms. Catherine Conran stated that it was different this year because of the positive feedback from the agencies that they went to. FEMA loved the LEE line brochure and arroyo safety program that they funded for SSCAFCA.

5. Action/Approval of Project proposal from SSCAFCA Interns.

Mr. Charles Thomas introduced Wendi Fox and John Stomp who are interns for SSCAFCA and who have put together a proposal for SSCAFCA. One of the things that happens when you take on interns is that you are acting in a mentoring role for people to help them develop their skills sets moving forward. The goal is to get them involved. It helps bring their experience level up and increases their ability to move forward in the work environment, but the agency also benefits because it can obtain work product from the interns. One of the concepts they looked at was taking a project and incorporating some of SSCAFCA's desires from the Board and putting together a project that would result in an asset for SSCAFCA.

Mr. John Stomp stated that they looked at three different sites. The first was Lomitas Negras, and they particularly liked the trail idea. The trail led toward the highway, so they didn't choose that one. They liked the Sportsplex site as well, but chose not to go with that one. The one they chose was the Dam 4 to 1 Trail. It has an incredible view of the mountains and the Rio Grande Valley. Potential complications could be maintenance of the trail, which is done right now by the City of Rio Rancho. The trail leads into Corrales, so there might be some agreement needed between the two entities. The goals of the project are for storm water education. Walking paths are also considered being added. A naturalistic feel will be kept as much as possible.

Ms. Wendi Fox stated that a slope difference will need to be made from the trail to the site itself, which is fairly flat. They have incorporated a trail spur that extends approximately 140 feet to the site that looks over the valley. The idea is to incorporate some green infrastructure elements to get people excited about what people could possibly do on their own properties. There is a swale that runs along the north end with a berm that provides a block from the houses below. The swale catches the water before it hits the trail. There is a small shade structure proposed that takes advantage of the outlook and collects storm water falling on the roof into cisterns similar to Roskos Field. The main components are the shade structure and the landscape which directs the water into the grid gardens. The property that SSCAFCA owns is about 2 acres, but the impact is only about .8 of an acre, and this includes the trails coming up to the site to the garden. The work could possibly help provide habitat for the wildlife rather than hurting it.

In response to a question from the Board, Mr. Thomas stated that this piece of property was acquired prior to his time with SSCAFCA, but he believes it was part of the original alignment for the Dam 4 to 1 Trail. There are concerns for development of the property because of the steep slope surrounding the property. The Village of Corrales has not expressed any interest in owning the property. Ms. Fox stated that there will also be signage to point out the various features and elements of the project. The cost of the project is around \$85,000, which is a high estimate. Mr. Thomas

stated that this project will need to go through the Village of Corrales approval process. Ms. Fox stated that there are about three or four houses down the hill from the project, but it is not a huge development. Mr. Thomas stated that they will be sure to get input from the public regarding the project before anything is started.

A motion was made by John Chaney to approve the project proposal as presented subject to the approval of Corrales. It was seconded by Michael Obrey and passed unanimously.

6. Presentation on Drone.

Mr. Charles Thomas stated that SSCAFCA has acquired a drone with a camera associated with it. Andres Sanchez stated that the way he is planning on using the drone is to produce routes along all of SSCAFCA's projects before construction begins. The routes will have way points along the way that will preserve alignments so that the exact shot can be taken every time. He showed the Board different video and pictures taken from the drone. The intent is to capture the aerial images before a project begins.

Mr. Thomas stated that SSCAFCA is working with CNM and that they have identified a project that they would like to move forward with on their portion of the campus which is an open space trail system that will cross the arroyo and incorporate some natural elements. They would like to retain the arroyo as a natural feature. CNM has asked to partner with SSCAFCA on that project and will be providing 100% of the funding. SSCAFCA is working with them on how to best retain a natural channel in the arroyo. They have talked about establishing grade control structures, enhance vegetation, and arroyo crossing for students and/or vehicles. It takes a while to re-establish vegetation. Mr. Thomas stated that they hope to identify the CAD flight that Smith provided on the Campus Dam project and take the drone out and fly the exact same path and present that to the Board when the project is finished.

7. Right of Way Update & Discussion.

Mr. Charles Thomas stated that the acquisition process is engaged throughout the jurisdiction as SSCAFCA tries to obtain property for projects. The first is the Unser Dam, along Unser Boulevard and Mariposa. With the realignment of Unser Boulevard slightly to the west to provide compliance with current state highway guidelines, SSCAFCA does need an additional 11 properties. About half of those are owned by AMREP and SSCAFCA has submitted an offer to AMREP. The remaining five properties are in acquisition with a right-of-way agent. On the Trib A Dam, there is only one property remaining, which is currently in condemnation. SSCAFCA is looking at the final



six properties for the pre-disaster mitigation program and those are in the appraisal process to identify the current owners and the exact cost moving forward if needed. On Badger Dam, there is only one item needed for acquisition, and that is the 5000 Barranca Road property. Although it is currently in the process of moving forward with condemnation, because the property is in foreclosure it has been difficult to track. The first complication is the value of the property. An analysis of the FEMA flood plain was done in-house and the flood plain encroaches much worse than originally thought. The likely time frame to get through the entire re-evaluation process is about a year, so FEMA's existing hydrology must be used, or justify that the work that SSCAFCA has done will be acceptable to FEMA. Staff has been in discussion with the entities involved in the foreclosure, with both the real estate agents involved and through trying to acquire documentation of who has been involved through the title company. At present, the banks that SSCAFCA has dealt with have resisted any effort of resolving the property foreclosure.

Mr. Metzgar stated that Deutsche Bank is one of the biggest holders and they brought suit against the former owner of the property. It looked like it was at a standstill when he checked the docket. SSCAFCA has all of the land tied up around that house and surrounding area, so taking the entire property may not be necessary. Even with the new design however, it is possible that part of the property will need to be taken. SSCAFCA can condemn an ongoing foreclosure.

Mr. Thomas stated that the Lower Montoyas right-of-way within the Village of Corrales, just north of the Lower Montoyas Arroyo, belongs to a developer which has purchased a little over 100 acres of that open space property. SSCAFCA is in conversation with that developer and the City of Rio Rancho to acquire some of the property for the Industrial Park Water Quality Feature. This is additional property needed for the footprint of the facility. There is a partial take on Saratoga which is the final piece for the facility and the westernmost upstream piece. The final area is the North Hills Off Channel Facility, just across from North Hills Development area with one property remaining. These last two lots are on the agenda for approval later.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services report for April 30, 2016.

Ms. Deborah Casaus stated that the Fiscal Services Report for April 30, 2016 is in the Board's packets. Property tax revenue is coming in as anticipated. SSCAFCA is 10 months complete through its fiscal year. General fund expenditures through April 30 are at about 42% of the total budget and is currently 83% through the fiscal year. The City of Rio Rancho is at 50 single family residential permits issued for April, which puts it at 210 permits for the year 2016, which is more

than double last year. Sandoval County is expecting a 1 ½ % increase in assessed valuation for next fiscal year and this is in line with what was projected. Interest earned on the State Treasurer's funds was at a rate of .39% for the month of April. The Treasury Bill is yielding about .27%.

The Fiscal Services Report for April 30, 2016 was recognized and acknowledged by the Board.

***Environmental Services Director:***

1. Action/Approval of the Middle Rio Grande Stormwater MS4 Compliance Monitoring Cooperative.

Mr. Dave Gatterman stated that the birds have returned to the Lower Montoyas Water Quality Facility so no damage was done in the habitats while working on the facility. He presented the Middle Rio Grande Stormwater MS4 Compliance Monitoring Cooperative agreement that has now been finalized. This needs to be in place by June 21st. The cost over four years to SSCAFCA is \$2,900. The permit that EPA has generated and SSCAFCA has put together, was formally accepted by the EPA. The costs are down from what it was thought they were going to be. Sandoval County has already signed the agreement, and there are a total of 12 agencies that will be signing it. The only thing that will change the financial contribution is if there is an exceedance that needs to be dealt with, or if one entity drops out and does not sign. Their portion would then be distributed among the remaining entities, but he does not see this happening because of the cost of an individual monitoring plan.

A motion was made by John Chaney to approve the Middle Rio Grande Stormwater MS4 Compliance Monitoring Cooperative agreement as presented. It was seconded by Steve House. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; and Michael Obrey, yes. The motion passed 5-0.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

1. Action/Approval of Executive Engineer's Employment Agreement.

Mr. James Fahey stated that the Executive Engineer's Employment Agreement has been renewed. The Executive Engineer was given a 10% raise. This is the first contract renewal raise in five years. Mr. Chaney stated that Mr. Thomas has probably saved SSCAFCA hundreds of thousands of dollars by taking the initiative in looking for matching funds for its projects.

A motion was made by John Chaney to approve the Executive Engineer's Employment Agreement as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; and Michael Obrey, yes. The motion passed 5-0.

**BOARD OF DIRECTOR'S COMMENTS.**

None.

**PROPERTY MATTERS.**

1. Action/Approval - Unit 17, Block 49, Lot 45 - 1.4521 acres - Saratoga Pond
2. Action/Approval - Unit 12, Block 20, Lot 14 - 1.10 acres - North Hills Off-Channel.

Mr. Charles Thomas stated that it is necessary to obtain these properties for the Saratoga Pond and North Hills Off-Channel projects as discussed above.

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

**FOR YOUR INFORMATION.**

None.

**OTHER BUSINESS.**

- Next Regular Board Meeting is on Friday, June 17, 2016 at 9:00 a.m.

**BOARD OF DIRECTORS REGULAR MEETING**

**MAY 20, 2016**

ADJOURNMENT.

A motion was made by Mark Conkling and seconded by Michael Obrey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 11:15 a.m.

  
\_\_\_\_\_  
JAMES FAHEY  
CHAIRMAN

  
\_\_\_\_\_  
MARK CONKLING  
Secretary

DATE APPROVED: 6/17/16