

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF MARCH 15, 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 Mark Conkling, Jim Fahey, Steve House, and Donald Rudy. John Chaney was noted as absent. Charles Thomas, Executive Engineer, and members of the public were also present. Bernard Metzgar, SSCAFCA's attorney, was absent.

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 Mark Conkling and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF FEBRUARY 15, 2013.

A motion was made by Jim Fahey to approve the Minutes of February 15, 2013 as presented. It was seconded by Mark Conkling and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

Executive Engineer:

1. Action/Acceptance of Resolution 2013-6, Authorizing the Assignment of Official Representatives and Signatory Authority for the CWSRF Loan.

Charles Thomas stated that Resolution 2013-6 establishes who is authorized to sign for pay requests and official documents, etc.

A motion was made by Jim Fahey to approve Resolution 2013-6 as presented. It was seconded by Steve House. Roll call vote: Mark Conkling, yes; Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion carried 4-0.

2. Presentation by Murray, Montgomery & O'Donnell (Federal Lobbyist); Action/Acceptance to Negotiate Agreement for Services.

Mr. Thomas introduced John O'Donnell from Murray, Montgomery & O'Donnell. This is a proposal to establish a federal lobbyist in Washington, DC.

Mr. O'Donnell stated that they have been in Washington working as federal lobbyists for 35 years representing mostly public entities. They have done a lot of work in the southwest area. They work closely with their clients with regard to federal funding needs. They have begun working with the Senate Energy and Natural Resources Committee on a water and energy innovation bill. Because of drought issues, they have talked with them about storm water and flood control as a resource. They have substantial contact with federal agencies and it is extremely important to follow up with them. They will develop a written work program that sets forth the objectives for each particular client.

Mr. O'Donnell stated that their year runs like this: November through January, they put together federal legislative programs on the previous year; February through May they visit Washington and work with committees, etc. about where the emphasis on their programs lie; during the summertime is when the legislative process starts moving more quickly with regard to authorizations, etc.; in the fall, they might be on the legislative schedule. Working with the New Mexico Congressional Delegation has been on a lot of grant funding. The work that they have done with clients is address the issues in practical, creative, direct, substantial, flexible ways.

Mr. O'Donnell stated that the City of Albuquerque was his first client in New Mexico and he has represented Albuquerque for 30 years. One of the great things about what they do is that it is marketing and sales, but the conditions are conducive to solutions.

Mr. Thomas stated that he does not believe that there is a conflict of interest with the City of Albuquerque. The Albuquerque/Bernalillo Water Utility Authority actually split away from the storm water management. The Water Utility Authority focuses on the water and waste water

aspect. They are not even in SSCAFCA's MS4 permit. He stated that staff is looking for a motion from the Board to proceed with a contractual agreement with Murray, Montgomery & O'Donnell.

A motion was made by Mark Conkling to negotiate an agreement for services as presented. It was seconded by Jim Fahey and passed unanimously.

3. Presentation on unaccounted effects from developed hydrology.

Mr. Gerhard Schoener stated that this presentation is on the potential effects from developed hydrology. Staff picked a basin in SSCAFCA's jurisdiction for this exercise. It's a basin that drains toward Northern Meadows, but was not developed as part of that master plan development. It's about 30 acres. When Northern Meadows went in, they designed a pond to accept flows from this basin. The pond was designed to accept developed conditions flows so they had to make some assumptions as to how the area would develop. The assumptions were to put a mix of medium density, residential development and some sort of park. They had peak flows of 68 cfs. It fills to a certain level and there's about two feet of free board left in the pond.

He stated that then, for instance, a developer will come in and want to make changes, so staff will tell them, fine, but you have to keep it at 68 cfs. So the developer makes the changes but remains at 68 cfs. But looking at the existing pond, the water level is almost up to the top of the embankment and the freeboard in the pond is almost all taken up. The two hydrographs show that the peak flow stayed at the same level, but the area under the curve is the runoff volume. There is a much higher runoff volume because there is a much more impervious surface. If there was another development somewhere upstream that also proposed to increase land use densities, then there might be problems.

He stated that they ran a third scenario to where the pond was even bigger to reduce peak outflow to 25 cfs. The water surface doesn't rise quite as high, but some portion of the freeboard is removed from the existing pond. This is realistic with regard to the types of developments in Rio Rancho. It is a problem that can potentially affect SSCAFCA's regional facilities.

Mr. Schoener stated that the next step would be to solicit stakeholder input to see what other regulating entities think on addressing this issue. Options can then be proposed to resolve this problem. This highlights why low impact development and things like water harvesting can have a big impact. If the entire area was developed using medium residential treatment and peak flows were restricted to historic conditions, there would still be a capacity problem at Enchanted Hills because of the increased volume.

In response to a question of working with the Pueblos, like in this case, Mr. Thomas stated that as long as the requests SSCAFCA makes are in line with the path that the Pueblos are charting, SSCAFCA has worked well with them. SSCAFCA has concentrated on maintaining historic flows in development and has not concentrated on also maintaining historic volume flow but there are circumstances where both are very important. SSCAFCA will go forward in identifying both situations prior to more development. Mr. Conkling stated that it would help if the people who approved the building permits also used the same criteria. Mr. Thomas stated that they have been in discussions with other entities regarding this need. He stated that they are also identifying elements in the DPM which will need to be addressed.

4. Update on MS4 status – a briefing on the major elements of the draft watershed based MS4 permit from the EPA.

Mr. Thomas stated that for several years staff has worked with the EPA on a watershed based MS4 permit. That was expected in October 2012. The EPA delayed all activity on that until just recently. The EPA issued their draft MS4 permit to all stakeholders on February 21, 2013. They hosted a meeting on February 26, 2013 to address any questions on the initial review. SSCAFCA and the other 17 entities involved were all in attendance. The time frame that EPA has put forth is that the full draft permit will be issued some time in April 2013. It will then be put out for public comment. There will be public meetings in April and May with a 60 day public comment period. The projected finalization of the permit will be in the July/August time frame.

Mr. Thomas stated that, in reviewing the permit, one thing that stood out immediately was the carrot and stick approach that the EPA used on encouraging people to come together as part of this permit. Essentially, EPA, in doing a watershed based permitting action and is stepping outside of its mandated regulatory authority. EPA cannot mandate a watershed based permit based on their existing regulations. They have created this as a voluntary opportunity for communities to come together. The EPA has placed in the permit additional time frames for compliance for those entities that choose to come together under this permit. An individual might be required to comply with certain elements in 60 days; but the EPA is offering 210 days for a group to satisfy those same requirements. If the group acts together, the monitoring has been tailored to look at the watershed as a complete unit. The monitoring proposed in the permit from a watershed base is essentially restricted to the upstream entrance and the downstream exit.

Mr. Thomas stated that the sampling was a concern to most of the entities involved due to the potential costs. They did some rough analysis and it looks like SSCAFCA would be limited to about seven paired sampling events at each of the nine sampling locations during the term of the permit. Right now, the permitting group is looking at a rough total sampling cost of \$50,000.00. Spread among 17 entities over five years the sampling burden is small, but it is a cost of which to be

aware. He stated that staff was concerned that if a sampling event were to take place today, because of very small rainfall in the past several months, what the consequence would be in the downstream if it showed a higher concentration as opposed to the upstream when there has been no storm water contribution. SSCAFCA will host a meeting next week with all the other entities to go over the permit to finalize any questions. He stated that his assumption, based on what he knows about the programs, is that such a sampling would not be tied directly with SSCAFCA's permitting actions, but rather would be used to establish further sensitivities on the river, which then might result in additional practice requirements.

Mr. Thomas stated that there will continue to be education and outreach requirements as part of the permit. SSCAFCA is in a good situation with the storm water quality team that is in place. There will be administrative requirements, although not as many on SSCAFCA due to its inability to issue ordinances to do those kinds of enforcement actions. More traditional municipalities will need to look into adopting ordinances and other enforcement mechanisms for post construction storm water quality control. The permit overall will be a joint audit with all the entities involved in that; however, each entity will have to submit a storm water management plan underneath that which will outline the specific efforts of that particular entity. The goal will be to have two separate groups operating under the single permit, one in Bernalillo County and one in Sandoval County.

5. Harvey Jones Channel Improvements Update.

Mr. Thomas stated that staff has been pursuing three projects to resolve the flooding issues at NM 448 where the Harvey Jones Channel crosses under the Harvey Jones Bridge. SSCAFCA received legislative funding for this project last year and did receive funding from NMDOT to improve the hydraulics at the bridge itself. There were two primary means of improving the hydraulics. One included adding an additional concrete box culvert at the bridge itself; the second involved removing the sill downstream and also adding a positive slope to the downstream channel. After detailed hydraulic analysis, it was shown that the trapezoidal channel was clearly the option that successfully increases the flow under the bridge to above 6,200 cfs and that the concrete box channel does not meet that requirement. They did run into some complications in the design of the project with NMDOT. The trapezoidal channel work is identified as being outside of the NMDOT's right-of-way. The NMDOT then made a ruling that this project is ineligible for funding.

Mr. Thomas stated that essentially, SSCAFCA has three options now. The first is to move forward with removing the sill and completing as much of the trapezoidal channel upstream of the sill as SSCAFCA can with the legislative funding and match from the bond funds. That cost will be about \$500,000.00 and will involve removing the sill, and below the sill grading to the siphon, as

well as chasing upstream with the trapezoidal channel as far as SSCAFCA can go with the funding. This will gain a significant increase in the hydraulics for the bridge. When the original developed conditions were identified, the sedimentation features were not included into the larger model. Given the amount of sediment dropping out upstream, the addition of the other two projects will have an effect on the hydrology as well and will likely impact the peak flows that will reach the bridge and the flow should drop. At this point, the box culvert will not be pursued in favor of sill removal and channel reconstruction. The positive grade will not extend all the way to the edge of the bridge; it will begin at some point below that. SSCAFCA can still pursue replacement of the bridge walls on either side of the bridge. An option they considered was replacing those with a more traditional guard rail style so nothing would have to be knocked down if the flow overtopped the bridge in the future. The other option is to pursue replacement of the entire bridge to increase the hydraulics, but there is no funding for that right now.

Mr. Thomas stated that one other clarification on the trapezoidal channel is that essentially the hydraulic jump, which creates the problem in the first place, under the model with the sill removal, has been shifted downstream. As you increase the amount of trapezoidal channel you construct, it increases the amount of volume that can pass the bridge before the jump hits the bridge as it travels back upstream. When they did the original modeling, they were going to be able to pass a little over 7,000 cfs extending the trapezoidal channel all the way. SSCAFCA only needs 6,200 cfs. There is a point downstream where the channel can remain flat. Staff will look at the model to try to identify exactly where that break point is to get to the 6,200 cfs.

Mr. Thomas stated that the original channel was constructed with 16 inch thick concrete with a horrendous amount of rebar put in place. It is massively overdesigned and exceeds airport runway design. They have been discussing with the NRCS to replace the trapezoidal channel with a more traditional concrete thickness and a rebar reinforced concrete structure. Depending on the amount of thickness and rebar that will be required by the NRCS and for structural evaluation, it is possible there will be some cost savings to extend the channel much farther upstream.

6. Lower Montoyas Water Quality feature project update.

Mr. Charles Thomas stated that SSCAFCA is receiving an easement for 19 acres on this project. This is Village of Corrales property that is just upstream of the headwaters of the Harvey Jones Channel. SSCAFCA has received the funding for that from the Clean Water State Revolving Loan Fund and the RFP has been issued for engineering services. The mandatory pre-proposal meeting is scheduled for next week. Final proposals are due by April 9, 2013. Staff expects to be able to award the contract at the April Board meeting and to move forward and have this

constructed during the fall construction season. This work will be completed simultaneously as that on the trapezoidal channel.

7. Legislative Update.

Mr. Charles Thomas stated that Senate Bill 60, which contained the capital outlay requests made by SSCAFCA, has been signed off by both the House and the Senate. It will be awaiting signature by the Governor. SSCAFCA did receive \$255,000.00 for the Lomitas Negras Water Quality Project and \$265,000.00 to design and construct a pedestrian bridge crossing the Black Arroyo next to the Maggie Cordova Elementary School. Letters of support are being drafted for delivery to the Governor's staff.

House Bill 21, which will extend the notification of meetings to 72 hours has passed the House and is currently in Senate Committee. That bill will have to be voted on by tomorrow, so it's likely that it may not pass.

Senate Bill 27, which was the adjustment to the PERA did pass both the House and the Senate and is awaiting signature by the Governor. This would be a 1.5% increase to existing PERA contributors.

Senate Bill 228, which contains the Water Trust Board Projects, has passed both the House and the Senate and is awaiting signature by the Governor. The next step will be discussion with the Water Trust Board itself. That Board will award the funding at the April 25, 2013 meeting. SSCAFCA applied to the flood prevention category, which has a limit of 10% of the total funding, which is \$3.3 million. SSCAFCA's project request is \$1.7 million. As of the beginning of the legislature, SSCAFCA was the only project in flood prevention category. However, during the session, the Pueblo of Cochiti appealed to the Senate Committees and was added as a competing project. Their request is for just under \$1 million.

8. Development Status Update.

Mr. Charles Thomas stated that the map shows that development has not been significant. There are only two projects of significance. One is the Maggie Cordova school which has minor changes of an existing design in the parking lot. The second is Unser Pavilion development, which continues to move forward. Their construction plans have been approved by the City and they will be able to move forward with Phase I shortly. This does not involve any encroachment onto SSCAFCA's existing pond structure. In accordance with the drainage policy, a

development agreement is pending with financial assurance as part of that agreement for mitigation for flood control.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for February 28, 2013.

Deborah Casaus presented the Fiscal Services Report for February 28, 2013 in the Board's packets. She stated that operating property tax revenue, after about 8 months, is at 63% of SSCAFCA's budget projection. Debt service is about 67%. This means that SSCAFCA's revenue projections are pretty accurate and SSCAFCA is where it should be. General fund expenditures, fiscal year to date, are about 33.5% of the total budget. If you take out the large storm clean out item, SSCAFCA is about at 33% of the total budget. Staff is currently in the budget process right now and the preliminary budget will be brought to the Board next month.

There were 81 single family residential permits issued by the City of Rio Rancho for the month of January 2013. Last year at this time they were only at 38 permits issued. Interest earned on the State Treasurer's funds was at a rate of .133%. She will bring the audit report to the Board in the next couple of months.

The Fiscal Services Report for February 28, 2013 was recognized and acknowledged by the Board.

Field Services Director:

1. Tract 17 Update.

Jim Service stated that the improvements to the Tract 17 pond have been completed. They put in an access gate and put in a ladder to make access to the lower pond easier. The piece inside is the outlet pipe to adhere to the requirements of holding the first flush. There was a slight separation from the outlet pipe into the receiving pipe. Over time, the receiving pipe has deflected and the band has popped. New Concepts will come in and replace the liner of the strap, restrap it and seal it back up.

2. Roskos Field Pond Update.

BOARD OF DIRECTORS REGULAR MEETING

MARCH 15, 2012

Jim Service stated that the clean up of the ponds at Roskos Field park are complete. There is public meeting the last week of this month and then plants can start going in.

CHAIRMAN’S REPORT.

None.

BOARD OF DIRECTOR’S COMMENTS.

None.

COMMITTEE REPORTS.

None.

ATTORNEY’S REPORT.

None.

PROPERTY MATTERS.

1. Unit 21, Block 118, Lot 31 – 0.58 Acres – PDV Dam
2. Unit 21, Block 119, Lot 2 – 1.02 Acres – PDV Dam.

Mr. Charles Thomas stated that staff will require Board approval to purchase the above-listed properties. Mr. Rudy stated that all of these items have been discussed before.

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

FOR YOUR INFORMATION:

1. Albuquerque Business First article, “Unser Pavilion hooks retail tenants for its first phase”, (02/22-28/2013).

OTHER BUSINESS.

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

BOARD OF DIRECTORS REGULAR MEETING

MARCH 15, 2012

Mr. Lonnie Clayton, City Councilor, stated that the Interstate Stream Commission is building two low flow channels for the river for the nesting areas of the silvery minnow. He requested, on his own behalf, that SSCAFCA open talks with the City to come together to work on projects. Mr. Conkling stated that there has been a request by SSCAFCA for an ordinance and there's been no recognizable action on the City's part.

ADJOURNMENT.

A motion was made by Jim Fahey and seconded by Steve House to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:50 a.m.

DONALD RUDY
CHAIRMAN

STEVE HOUSE
Secretary

DATE APPROVED: _____

C:\my documents\data\sscafca\2013\minutes 3-15