SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)
MINUTES OF NOVEMBER 16, 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 9:05 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 Jim Fahey to approve the Agenda as presented. It was seconded by Mark Conkling and passed unanimously.

ANNOUNCEMENTS.

Announcements were made by Donald Rudy that all electronic devices needed to be turned off during the meeting.

STAFF REPORTS:

Executive Engineer:

1. Water Trust Board Application Update.

Mr. Charles Thomas stated that staff has submitted an application to the New Mexico Water Trust Board (WTB) last month. Staff has received notification that the application was received. There will be two steps taken - the first will be a Tier 1 evaluation, which is a pass/fail. The second tier will be a more in depth process in which they will submit some readiness to proceed questionnaires to SSCAFCA so they can define the ranking of SSCAFCA's project as compared to the

other submissions they receive. The funding being requested is for the Lomitas Negras Water Quality feature, which is the third leg in resolving the Harvey Jones Channel Project. The Harvey Jones Channel Bridge is in design right now with Bohannan Huston and is a collaborative effort between SSCAFCA, the NMDOT and the State Legislature through capital improvement funds. The second step will be the Montoyas Water Quality Feature at the inlet to the Harvey Jones. Staff is in the process of receiving funding from the Clean Water Fund for this phase. The total funding requested from the WTB was a little over $2 million, of which $1.775 million would be a grant from the State. The next meeting of the Water Trust Board is December 5, 2012, and staff hopes to hear the results of the Tier 1 evaluation at that time. Staff has received some notification from that Board that it is likely that they will not be making notification of final standing until the January Board meeting.

Mr. Thomas stated that he believes that SSCAFCA's odds of receiving money are fairly reasonable. Last year there were approximately 75 applicants and 26 received funding, so there is a one in three chance.

2. Action/Acceptance of Resolution 2012-17 Clean Water State Revolving Fund Agreement.

Mr. Thomas stated that, at this point, staff is not prepared to move forward on this item. As part of the application process, they did require that SSCAFCA provide a Resolution agreeing to take the funding package they provided; however, the State is not yet ready for the Resolution as it has not provided its approval on the Resolution language. No action can be taken on the Resolution at this time.

3. Action/Acceptance of Agreement with AMAFCA for joint funding of Calabacillas WMP.

Mr. Thomas stated that staff has met with AMAFCA because both agencies had scheduled work to look at the hydrology and identify needed drainage facilities in the Calabacillas Arroyo this fiscal year. It became apparent that it would be beneficial for both agencies to join together in a partnership. The agreement was placed on the Consent Agenda with AMAFCA yesterday at their Board meeting and it was approved and signed. At this point, staff is asking for approval from the SSCAFCA Board. AMAFCA will provide up to $50,000.00 worth of funding toward that project to help defray the costs of doing that work.

Brad Bingham, the drainage engineer for AMAFCA, stated that he is happy to collaborate with SSCAFCA on this project. They are going to issue an RFP for the west branch of

the Calabacillas to provide the Drainage Management Plan this week. This west branch is totally within AMAFCA's jurisdiction. Mr. Thomas stated that there are a couple of actions going on in both SSCAFCA and AMAFCA's jurisdictions. Internally, Gerhard Schoener has been reviewing recent rainfall data and is starting to evaluate that. Staff is in the process of incorporating more recent data into the model to make it more accurate to reflect current rainfall conditions. Mr. Bingham stated that AMAFCA's approach is also not just structures in the ground, but watershed management. He agrees that if water needs to be detained throughout the basin, they build that into the DMPs.

Mr. Thomas stated that the hydrology is planned to be completed in house. Gerhard will be putting the model together, which will set the basis for where the deficiencies within the arroyo system are. As staff moves into identifying what facilities will be needed, some of the design will be completed in house and some will be done with outside consulting services.

A motion was made by Jim Fahey to accept the agreement with AMAFCA as presented. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion passed 5-0.

4. Board of Directions Election Results.

Mr. Thomas stated that the Board of Directors election results are still unofficial. An article in this morning's paper has stated that a judge has ordered all of the votes remanded into custody. The unofficial election results show that the top two candidates are Mark Conkling (34.4%) and John Chaney (34.0%).

5. Development Status Update.

Mr. Thomas stated that the Loma Colorado, Prado Alta Unit 3 is a development of some vacant land south of Loma Colorado. The preliminary plat and construction plans are in for review.

Mr. Thomas stated that the second item is the Cielo Azul Townhomes, which is just east of Northern Meadows subdivision. It's a small townhome development of 3.3 acres right near the Cielo Azul Elementary School. The significance here is that it will discharge into the Wilpett Ponds. The drainage report and preliminary construction plans are currently being reviewed by staff.

Mr. Thomas stated that the Unser Pavilion project continues to evolve. The developer has come back and, although the drainage report had been finalized and approved, which

would have removed the northern leg from that pond and would involve the addition of another pipe under Unser, there was significant concern regarding the economic viability of that solution. As it turns out, the developer has indicated that they cannot financially proceed with that option. They have now pulled that off the table and are exploring new options that do not include boring an additional pipe under Unser. The pond, as it exists, is satisfactory. The work that SSCAFCA is doing in the park is within the 100 year flood plain area which is not a portion that is being impacted by this proposal.

Environmental Services Director:

1. Update on Harvey Jones Channel project and upcoming meeting schedule.

Mr. Dave Gatterman stated that the design analysis report is due from Bohannan Huston around Thanksgiving and should be in hand fairly quickly. Staff has also scheduled an agency coordination meeting for November 28, 2012 at the SSCAFCA offices. The agencies that have responded and will be there are the NMDOT, Village of Corrales, NRCS, Corps of Engineers, Sandia Pueblo, MRGCD, City of Rio Rancho, New Mexico Forestry, Sandoval County and the Office of the State Engineer, Interstate Streams Commission. The intent of this meeting is to get the consultants in front of the agencies that will have a say in what SSCAFCA does and to get their concerns on the table before the process proceeds any further and into the public process. Agency issues need to be identified before going in front of the public.

Mr. Gatterman stated that there is a public meeting on the Harvey Jones project on December 12, 2012 at the Village of Corrales Village Hall. It will be in the evening. In order to publicize it they have placed a notice on SSCAFCA's website, the Village has been given the notice to post on their website, the mayor has put in an ad in the mainstream news and it will be published in both the Corrales Comment and the Albuquerque Journal West Side twice.

2. Follow-up on Black Arroyo Open Space public scoping meeting on 11/1/12.

Mr. Gatterman stated that the meeting on November 1, 2012 was very successful. There were representatives from both Cabezon and the West Unser Homeowners' Association, along with Mr. Conkling. There was a lot of positive feedback and both entities were anxious to have this amenity "in their backyard." There were some serious concerns about ATVs and coyotes. There were ten members of the public that attended the meeting, and that included both the president of Cabezon and the HOA. Additionally, Representative Tim Lewis was there, but he did not make any comments. Site Southwest took the notes and are starting work on their plan, which should be brought to the Board sometime after the first of the year.

3. Requesting quote from on-call vendor to begin environmental work on Montoyas and Lomitas Negras Water Quality projects.

Mr. Gatterman stated that he is awaiting a quote from SSCAFCA environmental services vendor for performing environmental services related to the Lomitas Negras and the Montoyas Water Quality Features. One of the items that will be important to the Water Trust Board is the readiness to proceed. Staff feels that getting the background information on the resources done prior to that project being fully ready, is a good maneuver in the eyes of the Water Trust Board. If that information is available and the documentation is in hand, then staff feels it will give SSCAFCA a leg up. Design construction elements could then be done very quickly.

4. MS4 watershed based permit update.

Mr. Gatterman stated that staff still doesn't have any information on what the EPA is going to require from SSCAFCA. However, they have called a meeting for December 10, 2012 at NMED, Albuquerque. Presumably, the EPA has something in mind. He will inform the Board as soon as he knows. He has asked the surface water people if they have any idea of what might be coming down from the EPA, but they do not.

5. Annual reporting to EPA on stormwater management program activities is required as a condition of permit coverage under the current NPDES Phase II discharge permit. A draft annual report covering the activities conducted during July 1, 2011 through June 30, 2012 is available to the public for review at the SSCAFCA office or from the website www.sscafca.org. Public input on the report will be taken at the November 16, 2012 Board of Directors meeting and will be considered in preparation of the final report submitted to EPA.
   a. Public Comments will be taken at this time.
   b. Close public comment period.

Mr. Gatterman requested closing of the public comment period so that SSCAFCA can submit its final year report on Phase II that closed on June 30, 2012. The public has one last opportunity to make any comments right now. Otherwise, the public comment period closes at this time. There were no public comments.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for October 31, 2012.

Ms. Deborah Casaus presented the Fiscal Services Report for October 31, 2012. The remainder of tax year 2011 collections continue to trickle in. SSCAFCA is seeing the end of those and the 2012 collections will be gearing up now in December and January. General Fund expenditures year to date are at 15.33% of the total budget and SSCAFCA is currently 33% through the fiscal year.

She continues to monitor the City of Rio Rancho single family residential permits. To date, they are about 32% higher than last year. That's a good indication for the next fiscal year budget. Interest earned on the State Treasurer's local government program is about .171% for the month of October.

Ms. Casaus stated that there was an exit conference this past Tuesday for the audit for fiscal year 2012. The audit will be submitted to the State Auditor's office next week, well ahead of the statutory deadline of December 1st. All indications are that SSCAFCA had no material weaknesses or findings and will receive a clean, unqualified opinion.

Ms. Casaus stated that all entities that participate in a defined benefit plan will be required to show what their unfunded liability portion of the overall unfunded liability. It's still PERA's responsibility, but it is probably a good idea to talk to SSCAFCA's lobbyist and let him know that SSCAFCA is in support of whatever it takes to make the fund solvent to cover the unfunded liability. At this point, it's a paper entry that will be required in a couple of years to show what SSCAFCA's liability would be. SSCAFCA does not have any power to change that – everything lies with the legislature and PERA.

The Board recognized the Fiscal Services Report for October 31, 2012.

2. Action/Acceptance of Selection/Agreement for General Landscape Maintenance Services.

Ms. Casaus stated that RFP 2012-08 was issued for general landscape maintenance services. The contracts were up this year and SSCAFCA decided to split it into two categories – the general landscaping portion, as well as a larger, sediment removal facility maintenance type of contract. This is the first portion. There were three qualified proposals and one was deemed non-responsive. Of those three, the committee met and selected two of the proposals; Santiago's Native Landscaping and Black Forest, LLC. Staff recommends these companies to help cover SSCAFCA's general landscape services.

Mr. Thomas stated that he would like to get a minimum of one more year of data before he is able to determine if SSCAFCA will be able to do the landscaping services in house. Breaking up the categories will help him determine exactly what will be needed.

A motion was made by Mark Conkling to approve the agreement for general landscape maintenance services as presented. It was seconded by Steve House and passed unanimously.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

None.

COMMITTEE REPORTS.

Mr. Chaney stated that the Board has been attempting to bring some of the work done by contractors "in house." With the engineering personnel recently hired, that has been accomplished on at least two projects. The savings to the public by bringing the design work in house is in the neighborhood of $180,000.00 to date.

Mr. Conkling stated that at the meeting associated with the wildlife corridor, they have been referring to the area as the Black Arroyo Environmental Mitigation Area. It seems that another name might be easier. He proposed at that meeting to call it "Wildlife Park." He's not asking for approval at this time, but just trying to see if this might be a better working name for the area.

ACTION/APPROVAL OF THE MINUTES OF OCTOBER 19, 2012.

A motion was made by Jim Fahey to accept the Minutes of October 19, 2012 as presented. It was seconded by John Chaney and passed unanimously.

ATTORNEY'S REPORT.

None.

PUBLIC FORUM.

None.

PROPERTY MATTERS.

1. Action/Acceptance of Encroachment Agreement with PNM for 12 natural arroyo crossings.

Mr. Thomas stated that there is a lot of property owned by PNM which encroaches on SSCAFCA property in 12 locations. SSCAFCA has pursued obtaining an encroachment agreement for all those areas. PNM was very willing to work with SSCAFCA and has granted an encroachment agreement to SSCAFCA for those areas. Counsel has approved the agreement. SSCAFCA will need to file it, which will be $100 filing fee. Other than that, there is no cost associated with the agreement. SSCAFCA will be restricted from doing any construction within 15 feet of PNM's service poles and doing any permanent structures (which weren't planned anyway). The agreement will give SSCAFCA complete connectivity through all its arroyo systems and allow SSCAFCA to work and maintain the systems through those areas.

A motion was made by Mark Conkling to accept the encroachment agreement with PNM as presented. It was seconded by Jim Fahey and passed unanimously.

2. Purchasing Property in Environmental Mitigation Area – Unit 10, Block 33, Lots 115-117, approximately 2.4 acres.

Mr. Thomas stated that this area is within the Black Arroyo Wildlife Park. There are three lots that are approximately 2.4 acres, all owned by the same owner, who has agreed to sell them to SSCAFCA. This is a pretty critical piece and does include a stretch of the east bank of the arroyo system and will allow any trail systems or other elements put in by SSCAFCA to have full connectivity on the east side. The price is $103,000.00 for those three lots. He stated that he will be discussing with the City of Rio Rancho the vacation of the cul-de-sacs, which are now completely surrounded by SSCAFCA property.

A motion was made by Mark Conkling to approve the purchase of the property in the environmental mitigation area as presented. It was seconded by Jim Fahey and passed unanimously.

3. Purchasing Property in Tributary "A" Dam – Unit 10, Block 18, Lots 11, 18, 20 & 44, 5.5 acres.

Mr. Thomas stated that this property has been on SSCAFCA's radar for capital improvement projects. It is one of the last remaining detention features to build within the Black Arroyo Watershed Management Plan. Staff has been in discussion with Curb, Inc. for purchase of the four properties highlighted. They are not the entire footprint, however, they are fairly centrally located within that footprint. As of today, SSCAFCA has none of the property within that area and as development continues to expand, SSCAFCA is at risk of having something built in the area. The four pieces total approximately 5.2 acres. The price is roughly $118,000.00.

A motion was made by Mark Conkling to approve the purchase of the property in Tributary "A" Dam as presented. It was seconded by Jim Fahey and passed unanimously.

FOR YOUR INFORMATION:

OTHER BUSINESS.

Special Board meeting is scheduled for Friday, December 14, 2012 at 9:00 a.m.
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 John Chaney and seconded by Jim Fahey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:12 a.m.

DONALD RUDY
CHAIRMAN

STEVE HOUSE
Secretary

DATE APPROVED: 12/14/12

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