

SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)

MINUTES OF NOVEMBER 13, 2015  
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, Steve House, James Fahey, and Michael Obrey. Charles Thomas, Executive Engineer, Clayton E. Crowley, for Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

ANNOUNCEMENTS.

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

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by James Fahey.

APPROVAL OF AGENDA.

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

ACTION/APPROVAL OF THE MINUTES OF OCTOBER 16, 2015.

A motion was made by Steve House to approve the Minutes of October 16, 2015 as presented. It was seconded by John Chaney and passed unanimously.

PUBLIC FORUM.

None.

Mark Conkling arrived.

**STAFF REPORTS:**

*Executive Engineer:*

1. Introduction of new staff member Kathy Fournier as Civil Drafter/Designer.

Mr. Charles Thomas stated that SSCAFCA has recently hired Kathy Fournier as its civil drafter/designer and introduced her to the Board.

2. Action/Acceptance of Resolution 2015-20 to Commit Funds and Complete Montoyas Arroyo Bank Stabilization Project.

Mr. Charles Thomas stated that Resolution 2015-20 is the second project that was submitted for funding through the Hazard Mitigation Grant Program on the Montoyas Arroyo Project. This is an identical Resolution essentially to the one completed for the Alberta Project. It is required for them to actually draft and issue the grant agreement to SSCAFCA for the funds. One significant difference in this Resolution is that, generally speaking, the grants from that program are a 75% grant, which requires a 25% local match. FEMA, on the state level, had secured funding through the legislature to cover ½ of the 25% local match of the Alberta Project. With this grant, they have offered to cover the entire 25% of the local match, so SSCAFCA will not have to provide any funding for the 25% local match for the Montoyas Arroyo Project. The entire cost will be covered through the federal grant or the 25% match through the department of Homeland Security. The design has been completed in-house.

A motion was made by Michael Obrey to accept Resolution 2015-20 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; Michael Obrey, yes. The motion passed 5-0.

3. Action/Acceptance of Selection/Agreement for Upper SLO Dam Project.

Mr. Charles Thomas stated that staff does not have a full contract in place at this point. However, the bid opening was held earlier this week. Staff has gone through the bids for the project and have identified the lowest responsive bidder. SSCAFCA received five bids on this project. RMCI, Inc., Mountain States Contractors, Inc., Star Paving Company, Franklin Earth Moving, Inc., and Four X Construction Group, LLC out of Texas. The engineer's estimate is \$1,947,000, plus change. The low base bid came in at \$1,688,075; with tax, up to \$1,813,625. The total different in the low three bidders was approximately \$40,000. Of the project costs, SSCAFCA has received two

award grants through the state of \$375,000 from capital outlay from the 2015 session and \$950,000 from the water trust board in 2015. SSCAFCA has adequate bond money to cover the difference.

A motion was made by Mark Conkling to accept the selection of RMCI for Upper SLO Dam Project as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Steve House, yes; Michael Obrey, yes. The motion passed 5-0.

4. Action/Acceptance of proposal to seek state legislative funding in 2016.

Mr. Charles Thomas stated that SSCAFCA will be required to present its legislative priorities for this year to a panel of local legislators on December 9th. Staff would like Board approval before that date. There is some concern with the upcoming session about funding because of gas prices dropping. The capital outlay funds are based on the future pricing of oil and gas. As those revenues drop, so too does the money for distribution across the state.

Mr. Thomas stated that there is a proposed development going in called Los Diamantes, a very large planned development. In addition, Rio Rancho Public Schools has purchased property to develop a middle school and is also looking at an elementary and high school on the other side of the proposed development. It is in the Unit 10 area. One of the key structures to help support the drainage needs in the area, as well as alleviate some of the drainage stress on the West Side Boulevard improvements required to feed that new community is Tributary A Pond. Staff proposes putting in a West Side Boulevard drainage diversion project. The facility will capture the flow from the upper basins in the Black. The idea is to divert it down 10th Avenue and tie into a large drainage pipe placed further down 10th that is being put in by the developer. This will dry up this portion of the arroyo and reduce the amount of drainage that will go down West Side Boulevard. Also, it will free up any drainage restrictions on West Side Boulevard moving forward. In answer to a question from Mr. Chaney, Mr. Thomas stated that SSCAFCA had developed a diversion structure in the past which has already been built and is in place called the Saltillo diversion. This facility and the pipe is a more traditional drainage project, but staff feels the benefit is to control the flow at Unser which is undersized and allow further development of adjacent property. Los Diamantes will build the pipeline from West Side Boulevard down to the Saltillo diversion and SSCAFCA will tie into that pipeline. The developer would like to use some of the Saltillo diversion property for a sanitary lift station. That is a benefit the developer accrues, and it is anticipated that all of the developers involved will contribute funding toward the project. SSCAFCA is seeking about \$400,000 in legislative funding for the project and, ideally, the balance would be covered by the developers.

In response to a question from Mr. Fahey, Mr. Thomas stated that the net impact to the Calabacillas should be negligible because the flow would traditionally go down to Black Dam, which then goes into the Calabacillas. This project simply diverts it into the Calabacillas at a higher point in the watershed. There is no net increase in the flow. With the ability to get into the Calabacillas there should be a greater rate of infiltration. AMAFCA's facility will not be impacted. It will be a low flow discharge. Unser Pavilion is slated to go in and will make the land more developable. The developer is expected to help fund the project since the developer will receive a direct benefit. Most of these properties are currently privately held and zoned residential so there is no development potential from a commercial perspective.

Mr. Thomas stated that some combination is needed to address the flow deficiency at Unser. Currently, the box culvert is significantly undersized. The deficiency could be addressed if a large facility is built and the lower portion of the Wildlife Park is taken out. However, by building a facility and doing a diversion, SSCAFCA can create an off channel structure which has a much smaller footprint and leaves more habitat in place in the Wildlife Park. As with many of the areas of Rio Rancho with arroyos, AMREP did plat all the property boundaries to the center line of the arroyo. Essentially, for property acquisitions, they would be partial takings. SSCAFCA has already acquired some pieces where the arroyo was encroaching on Vargas Road. Also, as the developers come in, SSCAFCA could request those properties to extend the trail system.

SSCAFCA is proposing to request \$400,000 for this Project. Right now, there is a large push by Rio Rancho, and also some local legislators to see the area develop economically. The pipeline is 1,000 to 1,500 feet. The proposed sanitary sewer will be on the property where the diversion structure is currently located. It would be adjacent to the pipeline. The sewer is not in the arroyo in this area. The City is in the process of developing a new area plan for Unit 10 and will be putting on a presentation next Thursday. The benefit is that it is part of a solution to correct the current undersizing of the crossing under Unser. The culvert does not cross at the intersection, rather it crosses north of the intersection. It goes through the surrounding property and crosses West Side Boulevard. To pursue any upgrade of that infrastructure would be very costly to put another box culvert in the area. The more cost effective means of solving it is to control the flow coming into the system from upstream. The combination of Tributary A and 19th Avenue Dam will accomplish that goal. Both options allow the 19th Avenue Dam to be constructed in a greener, lower impact format. The benefit of taking the full flow and diverting it through the pipeline does not remove the arroyo from the system, rather it removes the amount of flow that the arroyo system carries. By doing the diversion, a larger flow can be discharged and less property is impacted. The arroyo will still remain to handle local flows.

Mr. Thomas stated that staff is also submitting another project to the legislature and hope to receive approval. In the western portion of the Town of Bernalillo, the Unnamed Arroyo crosses under Sheriff's Posse Road. SSCAFCA acquired three parcels of property in 2012 and the idea was to capture the low flow through diversion, bring it into a Oxbow open space with a water quality feature and develop it as an open space park amenity. This will allow the trash and debris to collect and then discharge the clean water downstream. The idea is to build up the path, and separate it from the area to allow a natural wildlife corridor. The Town of Bernalillo is excited about this Project. Ultimately, a parking lot and benches would be put in, similar to Roskos Field. This property is one piece and slopes down. However, because of the development of the property it is not cost effective. It is possible that ESCAFCA could partner with SSCAFCA on this Project. However, he doesn't know whether ESCAFCA has funding because of the tax base reduction. He will speak with Larry Blair regarding the issue. One of the properties does have a well on it and there is the opportunity to develop the facility and turn over maintenance of the park amenities to the local jurisdiction, in this case the Town of Bernalillo. SSCAFCA is seeking \$100,000 for support of this Project.

Mr. Thomas stated that, given the constraints with the anticipated revenues for the state, and given the state's focus, it seemed like a worthwhile strategy to move forward with these particular projects. The \$100,000, with some additional support from SSCAFCA, the diversion structure could be built, and a return structure could be built. It would not accommodate any other elements of the project itself. The highest cost in terms of developing the oxbow is about \$280,000 using gabion baskets. Other options can be investigated to lower the total cost. For example, you can put in infiltration galleries. The only concern is that infiltration galleries have a tendency to plug over time. Ideally, some of that would be removed and the cleaner flow could go back in and be diverted into an injection structure.

A motion was made by Michael Obrey to accept the proposals seeking state legislative funding in 2016 as presented. It was seconded by John Chaney and passed unanimously.

5. Action/Acceptance to proceed with property matters (Barrancas and Venada Properties).

Mr. Thomas stated that staff has identified a location for the Badger Dam just upstream of the crossing at Idalia Road (Barrancas Property). The crossing is significantly undersized and is currently being undercut, which is placing the Idalia crossing at risk. The FEMA flood plain is inaccurate. Initially what prompted this evaluation is that the property at the corner of Barrancas Road and Idalia is the only parcel that was part of the planned acquisition for Badger Dam and it has a house located on it. The property was recently abandoned by the homeowner and is

currently in short sale by the bank. Staff proposes acquiring this property at this time for safety reasons. The appraisal does not directly include the 100 year event because the document that SSCAFCA developed is not recognized as a legal document by the appraisers in terms of their requirements. They did acknowledge the existing FEMA floodplain and the LEE line, both of which encroach on the property. The bank is aware of the encroachment.

A motion was made by John Chaney to proceed with the acquisition of the Barrancas property as presented. Mr. Thomas stated that the appraised value is \$205,000. It was seconded by Steve House and passed unanimously.

Mr. Thomas stated that with regard to the house, it would have to be removed, but staff is looking into working with an organization such as Habitat for Humanity to come in and salvage as much as can be salvaged before it is destroyed. He stated that the bank is aware of the condemnation process that is available to SSCAFCA. It is possible that if things fall through, and it goes to condemnation, SSCAFCA could use its document at that point with regard to the value of the property. Mr. Fahey suggested the option of moving the entire house as well.

Mr. Thomas stated that with regard to the Venada Properties acquisition, it is a proposal in play right now, but there is no approval required, unless the Board does not wish to move forward. This property is adjacent to 528 in the Town of Bernalillo. The large development in western Bernalillo is in this location. SSCAFCA was approached by the current owner of the property in blue on the map to acquire the triangular portion in purple of about 1.6 acres, which is part of the platted arroyo and is the only portion on top of the hill. There is probably a 15 to 20 foot drop from the top of the property to the base of the arroyo. The parcel included an improved portion of the Venada Arroyo before it crosses under 528. This has been on SSCAFCA's acquisition list since he started. Staff investigated and found there was a broken chain of title so it was not something that staff moved forward on. There was no need to acquire it other than taking responsibility for the arroyo. However, the developer, Mr. Garza, pursued acquisition of the property and found the broken title chain, and has negotiated purchase of the property from the legal owner. Mr. Garza would like to segment out the portion in orange in exchange for the triangular portion. He informed him that if the valuation came out different, then he would have to make up the difference, but that is not anticipated.

Mr. Thomas stated that the alternative that was proposed back to Mr. Garza from SSCAFCA staff was to allow Mr. Garza to take a larger portion of the property up to almost 1 acre, with his participation in stabilizing the bank. Right now, the improvements end, so there is potential for the arroyo to continue to undercut the property over time. The solution would be to place some hardened bank protection to allow the flow to come in. Mr. Garza has not responded to this proposal. The cost figures have not been run on the second option. With the valuation that Mr. Garza had

completed on the small parcel, it ultimately would be a net cost to the developer in that SSCAFCA would get more benefit than the property is worth, however, the owner would have the longer benefit. The owner would get more land in the second option.

A motion was made by Mark Conkling to proceed with negotiations on the Venada property issue. It was seconded by John Chaney and passed unanimously.

6. Update on Development Review.

Mr. Charles Thomas stated that the continued development of the AMREP project in the Enchanted Hills area is progressing, however, they have not addressed all of the design comments that SSCAFCA had submitted where they are to tie into the Venada Arroyo. That project is currently not approved. There is an Idalia right-of-way replat where the City received bids for the reconstruction of Idalia from 528 to Iris. They are moving forward with that. The project came in significantly under budget. They will be closing Idalia Road completely to allow for the construction, which should improve the contractor's speed and efficiency. There is a summary plat adjacent to Lomitas Negras Water Quality Facility. Mr. Mares acquired three properties and received the zone amendment to consolidate those properties. He has been interested in gaining an access over the Lomitas Negras Arroyo but he has not been able to complete a project there so it hasn't taken place yet. He expects Mr. Mares to come back at some point on that project. The Stonegate Subdivision Construction Plans are currently in review. They have not addressed all of SSCAFCA's comments, so staff is waiting on their engineer to return updated plans.

Mr. Thomas stated that the biggest item directly impacting SSCAFCA is that the replat and consolidation of property for the Upper SLO Dam Project was completed. All of the parcels were consolidated into two tracts, Tract A and Tract B. Tract A is the upper portion, which is being set aside as critical habitat for compliance with the Corps requirements. The Corps was very pleased that SSCAFCA chose to identify some parcels of the arroyo to set aside natural habitat as opposed to moving downstream or creating artificial habitat within the facility.

Mr. Fahey stated that he was asked about a meeting that will be held in Rio Rancho about the widening of 528 between Northern and Rockaway. Some years ago, SSCAFCA was asked about the drainage issues with that project in the area of Industrial Park. Mr. Thomas stated that that project is slated to go into construction this year and is currently under design with the Highway Department and the funding has been secured both for the design and construction. SSCAFCA has been in negotiations as an interested party for many years with this project. This is part of the Industrial Park Drainage Management Plan that was developed to help identify how to address not only the flow from the park itself, but from the additional flow brought in from the addition of a three

lane highway in each direction. The process has gotten serpentine following the development of that document. SSCAFCA has identified several options to take that flow with some improvements on the highway and some improvements through the park, as the lowest cost options for addressing the drainage. The highest cost option for the Highway Department to pursue would be to buy up the property that is adjacent to the road and use that as retention ponds for that storm flow. The Highway Department has a myopic view of where they put their projects and by using the ponds, that stays within their right-of-way. If the Highway Department were to pursue the drainage solution that SSCAFCA developed through the Drainage Management Plan, it would involve the construction of infrastructure outside of the highway right-of-way which they have dismissed, more on a procedural ground than anything else. The City of Rio Rancho has been aggressively lobbying the Highway Department to reconsider their option of retention ponds and is pursuing a public interest letter to allow the FHWA to acknowledge the drainage plan developed by SSCAFCA instead of ponding onsite. A lot of this flow will wind up in the Los Montoyas Arroyo. He stated that the increase in flow is not terribly significant when compared to how much the Montoyas carries. It currently trends down the Tortugas, which ties into SSCAFCA's project at the base of the Montoyas, so it would just divert that water further upstream. SSCAFCA would prefer to divert that water into the upper water quality basin, which would allow the water to be treated. In addition, staff has looked at creating a primary treatment pond to receive that flow directly. The concern with the first flush from an industrial park is the contaminants that could be in the first flush. SSCAFCA feels that based on the cost estimate that the Highway Department has put in place, if they move forward with constructing at least two or three of the options, that pre-treatment pond could be included in that facility and still come in cheaper than the Highway Department's option at this point. Right now, the lower cost for the plan as developed in SSCAFCA's Plan is approximately \$1.6 million. The cost of the Highway Department option is in excess of \$2 million. Mr. Thomas is not sure that the public is aware that the Highway Department is pursuing the high cost option. The primary construction for the facilities would be within the Industrial Park itself. It is the outfall that would go into the Tortugas Arroyo. SSCAFCA's proposal is to divert that flow to the Montoyas.

***Fiscal Services Director:***

1. Recognition/Acknowledgment of the Fiscal Services Report for October 31, 2015.

Ms. Deborah Casaus presented the Fiscal Services Report for October 31, 2015 in the Board's packets. She stated that property tax revenue are coming in as expected. The new fiscal year won't come in until November or December. General fund expenditures through October 31, 2015 amount to 15% of the total budget and SSCAFCA is 33% through the fiscal year. The City of Rio Rancho has issued 30 single family residential permits for the month of October, and a total of



361 for the year. That is still down from last year. Interest earned on the State Treasurer's funds was at a rate of .155% for the month of October.

The Fiscal Services Report for October 31, 2015 was recognized and acknowledged by the Board.

2. Action/Acceptance of contract renewal for General Facility Maintenance Services with no requested changes with the following contractors:
  - a) Santiago's Native Landscaping, LLC
  - b. Black Forest Tree Service.

Ms. Deborah Casaus stated that the two contractors who have requested contract renewal for General Facility Maintenance Services are Santiago's Native Landscaping, LLC and Black Forest Tree Service, with no changes.

A motion was made by John Chaney to accept the contract renewals as presented. It was seconded by Michael Obrey and passed unanimously.

***Environmental Services Director:***

1. Update on Black Arroyo Trail Construction Project.

Mr. Dave Gatterman stated that the Notice to Proceed on this project was issued on July 1, 2015. Final completion by contract is scheduled for December 27, 2015. Total contract cost is \$813,000 and some change. He went over various parts of the project and showed the Board pictures of the progress to date. Both bridges are installed and the paving is approximately 95% complete. The parking lot is about 90% complete. Gravel and rip rap still need to be installed. The estimated completion date is November 30th. The job will then be suspended until spring when the planting can be completed. There shouldn't be many maintenance issues with the bridge since it is concrete based rather than wood. Protective measures will be taken to keep people from driving into the facility. This project is a great multi-use of the property which should be award eligible.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY'S REPORT.**

None.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTOR'S COMMENTS.**

Mr. Charles Thomas stated that there are two projects for potential ribbon cuttings. With regard to the Lower Montoyas, staff has been in discussions with the Region 6 Regional Administrator, as well as staff for the EPA Administrator. Staff is waiting to hear back from them on ribbon cutting since they were both in attendance at the commencement. At this point, with the weather the way it is, it will most likely be in late spring so the vegetation will be starting to get green again.

Mr. Thomas stated that the Black Arroyo Project is on track for a quicker finish than the end of December, and December 17th is being targeted as a ribbon cutting for that facility.

**PROPERTY MATTERS.**

None.

**FOR YOUR INFORMATION:**

1. Corrales Comment article, "Montoyas Arroyo Project Dedicated Oct. 15", (10/24/2015).

**OTHER BUSINESS.**

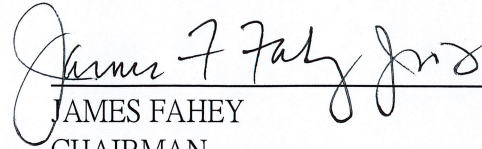
- The next Regular Board Meeting is scheduled for Friday, December 18, 2015.

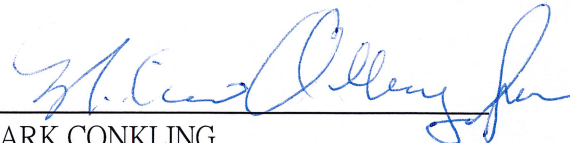
**ADJOURNMENT.**

A motion was made by Michael Obrey and seconded by Mark Conkling to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:50 a.m.

**BOARD OF DIRECTORS REGULAR MEETING**

**NOVEMBER 13, 2015**

  
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JAMES FAHEY  
CHAIRMAN

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

DATE APPROVED: 12/18/15

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