

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

ANNOUNCEMENTS.

Announcements were made by Donald Rudy that all electronic devices needed to be turned off during the meeting and that the microphones are voice activated.

PLEDGE OF ALLEGIANCE.

The Board was led in the Pledge of Allegiance by Donald Rudy.

APPROVAL OF AGENDA.

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

ACTION/APPROVAL OF THE MINUTES OF OCTOBER 18, 2013.

A motion was made by Mark Conkling to approve the Minutes of October 18, 2013 as presented. It was seconded by Jim Fahey and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

Executive Engineer:

1. Presentation on Dynamic Nature of Arroyos.

Mr. Charles Thomas stated that with the September storms, there was an interesting opportunity for SSCAFCA to observe how arroyos behave. There were some startling discoveries on how the arroyo channels moved from a single storm event.

Mr. Andres Sanchez showed slides and stated that this was an inadvertent case study based on some additional surveying that had a snowball effect after looking at the data. He stated that the study was brought about by the bank stabilization project currently underway on the Montoyas between Broadmoor and Sportsplex Dam. There were three major storm events in the last six years that hit the Montoyas particularly hard. Mr. Sanchez showed the Board members pictures of the Montoyas Arroyo during the storm events. They looked at the channel bed footprint over time and how it has evolved. The footprint is meant to demonstrate the channel bed itself. The data used was all post Sportsplex construction. A meander begins to form at the first bend of the arroyo and the flow is redirected toward the opposite bank. The 2010 event moved the north bank 70 feet to the north. After the 2013 event, the surveyors went back out to look at the reach. Overall, there was 100 feet of lateral migration between the 2010 and 2013 storm as compared to the 2006 storm event. Down below, the channel bounces off of the meanders and continues to erode the south bank, which shows an additional 40 feet removed from the south side and exposed some sewer lines.

Mr. Sanchez stated that this shows that the arroyos can wander quite a bit and that these systems are quite dynamic. Development within the LEE line should definitely be protected. The recently revised City of Rio Rancho Drainage Ordinance should help with this, specifically in the flood plain portion of that ordinance, they mention the LEE lines and, at a minimum, mention that an engineer should look at any development within the LEE line and either certify that no erosion protection is needed or provide an adequate design for it. This practice has been implemented at the Montoyas Arroyo and Unser Boulevard at the church which put in some significant bank protection along the north border of the property which has held up extremely well in the last two events. The bank penetrations should definitely consider the geomorphology of the streams and be appropriately designed or avoided altogether if it is possible.

Mr. Sanchez stated that he would like to look at the vertical movement of the channel through the reach and consider the vertical controls that are in place. In this last storm, they noticed that the flow coming down the reach didn't care about the water quality pond upstream; it silted entirely to the top as if it wasn't even there. In answer to a question from Mr. Conkling, if the arroyo wants to meander, it doesn't matter what is there; it will meander. More gradual slopes at those meanders will continue to push out. Staff knows that they do reach some distance in a meander before they break in the middle. This happens over a long period of time. Staff is doing the best it

can with the LEE line calculation. They will continue to look at the systems over time and he'd like to start putting more data behind the more theoretical issues in place with the design guide.

Mr. Sanchez stated that the LEE line varies based on discharge and the channel slope. In this case, the LEE line is way out and will continue. It may take a while to get out there, but it will. Mr. Charles Thomas stated that one thing that is easily safe to work on is that as you reduce the flow in the system, you can reduce the LEE lines. As more control facilities are put in and the peak flows are changed, it will have a positive impact on the LEE line extent.

2. Discussion of Notification of Federal Disaster Declaration of storms occurring September 2013.

Mr. Thomas stated that the President has declared the September storms to be a federal disaster. The initial cost evaluation was over \$100 million throughout the state. This is a positive response and does open public assistance funding. SSCAFCA will move forward and seek reimbursement from FEMA for the clean up work that is being done right now in restoring the facilities. This is welcome and critical to SSCAFCA's budget. SSCAFCA has exceeded over \$1 million in expenditure just in the clean up from the September storms. The public assistance funding will allow SSCAFCA to receive up to 75% reimbursement for those costs through the federal government and then the state has provided, as part of these disasters, an additional \$2 million. It is doubtful that SSCAFCA will receive the lion's share of the \$2 million from the state due to all the entities who will most likely request reimbursement, but SSCAFCA can expect reimbursement somewhere between 75% and 80% of its expenditures.

Mr. Thomas stated that the other benefit that SSCAFCA will see from this is that, once the declaration gets to the federal level, it does open up additional hazard grant mitigation program funds the following year, which is essentially 10% of the declared disaster costs, and is made available to any entity within the state to apply for to complete improvements to reduce the impact of future emergency events. SSCAFCA has submitted four projects under the past years' hazard grant opportunity program and this will open up for the future as well.

Mr. Thomas stated that there are several programs that look for partnerships as a ranking item. This particular program does not appear to be focused that way. FEMA has a fairly complex analysis program where they plug in all the costs and their primary application requirement is a 1:1 cost-benefit ratio.

3. Development Status Update.

Mr. Thomas stated that there hasn't been a large amount of activity. One of the properties is adjacent to the property SSCAFCA has been acquiring for the PDV Dam. The landowner was interested in retaining a buildable lot as part of the negotiation process. SSCAFCA has agreed to process a platting action which is now in front of the City Development Review Board to separate out a .7 and a .5 acre parcel. The .7 acre parcel is adjacent to the arroyo and the .5 acre parcel is to the west. This was a process of identifying what they wanted to do with that property and it has been incorporated into the price.

Mr. Thomas stated that the property in the lower left hand corner is in final plat approval process for Cielo Norte, Unit 3 and 4 to reduce the lot sizes. The south property adjacent to Gateway Pond is basically proposing to summary plat all of that property and they have submitted their initial drainage report. There will eventually be a skilled nursing facility put onto that property.

Mr. Thomas stated that there will be a formal presentation of this information at the December Board meeting, but by working in concert with the legislative subcommittee and with Mr. Horan, they have identified two projects on which staff is seeking legislative support. For both of them SSCAFCA is seeking match funding for the projects. The first is the Alberta Phase II Project, which is the extension of the storm drain improvements in Unit 17 along Alberta Road. The design is completed for that and is "shovel ready" at this point. The plans have been approved by the City of Rio Rancho and is merely awaiting funding. SSCAFCA has submitted that as one of its hazard mitigation projects to FEMA. If the legislature approves it would provide a 25% local match for that project. The second is the Saratoga Dam, which was submitted to the U.S. Army Corps of Engineers for funding. They have given SSCAFCA a positive response on the project; however, while the federal budget remains in limbo, there is no opportunity for funding. This will require a local match of approximately \$1 million, so SSCAFCA is seeking a portion of that support from the legislature as well.

Fiscal Services Director:

1. Recognition/Acknowledgment of the Fiscal Services Report for October 31, 2013.

Deborah Casaus presented the Fiscal Services Report for October 31, 2013 which is in the Board's packets. Property tax revenue for the first four months of the year is as expected. The big collections will come in during December and January. General fund expenditures through the month of October are about 31.6 % of the total budget. This is higher than typical at this time of the year, but it is a result of the storm cleanup efforts which are ongoing. The operating budget will take a hit this year because of the storm cleanup. Rio Rancho residential permits were not available at the time of the report, but the website shows, for the month of October, there were 36 permits issued and

that is a jump of about 12% over the same time last year. Interest at the State Treasurer's office is at .11%.

The Fiscal Services Report for October 31, 2013 was recognized and acknowledged by the Board.

2. Action/Acceptance of contract renewal for General Landscape Maintenance Services with no requested changes with:
 - Santiago's Native Landscape, LLC;
 - Black Forest Tree Service.

Deborah Casaus stated that both general landscape maintenance services are up for renewal with no changes.

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

3. Action/Acceptance of Resolution 2013-20 Resolution regarding Social Security Coverage for Southern Sandoval County Arroyo Flood Control Authority.

Deborah Casaus stated that SSCAFCA had a compliance check with the IRS and found that SSCAFCA is not in compliance with the Section 218 agreement. Because SSCAFCA is covered under a pension plan with the State of New Mexico, SSCAFCA is not required to participate in Social Security, but is allowed to do so. In order to do that, you have to have a Section 218 Agreement on file with the state. This resolution gives SSCAFCA the authority to hold a referendum of its employees to choose to see if they would like to participate in that program. The referendum will be held in March.

A motion was made by Jim Fahey to accept Resolution 2013-20 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; Jim Fahey, yes; Steve House, yes; Donald Rudy, yes. The motion passed 5-0.

Environmental Services Director:

1. Close public comment period on NPDES Phase II Annual Report for the MS4 Permit.

Mr. Dave Gatterman stated that the public comment period was opened in August. It is now time to close the public comment period, which has been open for three times longer than the

statutorily required comment period. No comments have been received on SSCAFCA's Annual Report and, therefore, the comment period is closed.

2. Presentation on Lomitas Negras Water Quality Facility Design.

Mr. Dave Gatterman stated that in last year's legislative session SSCAFCA received \$255,000 specifically appropriated to this project. In addition to that, SSCAFCA received a grant from the Water Trust Board. The money is essentially all state money. The total project budget is \$2.014 million. There is a match component, and one of the things that SSCAFCA is providing is the land on which to do this project. It has been worked out that the majority of SSCAFCA's match is the land value. This project is at the inlet to the Dulcelina Curtis Channel. Smith Engineering was chosen for the conceptual design and cost estimate. The concept came in well below the money available and Smith was asked to extend their design up the Lomitas toward Saratoga Road to match the available funding.

Pat Stovall, of Smith Engineering, stated that to account for the extra funding they added five more grade control structures upstream. Between the Dulcelina Curtis Channel inlet basin and the volume of sediment storage gained between the checkdowns all through the arroyo, they can store about 40 acre feet of sediment. The 100 year storm volume should produce about 18 acre feet of sediment. The benefit of this is that if there are numerous small storms that come through before cleaning or if there are back to back large storms, there will be a great sediment storage capacity which will clean up the water that winds up in the Harvey Jones Channel.

Mr. Gatterman stated that one of the things they are trying to tie this back to is the Montoyas Arroyo Watershed Park Management Plan. The project fulfills three elements of that Management Plan. The original preliminary cost estimate in the Plan was \$4.6 million but it looks like the goals will be accomplished for about \$2 million.

Mr. Stovall stated that the dikes will be overtopped with the 100 year ultimate conditions flow. When the SCS originally designed the Dulcelina Curtis and the Harvey Jones, their design discharges were about half of what they are now. The dikes will have to be raised about two feet to prevent the 100 year flow from spilling over them. There is a major grade control structure at the upstream end of the first structure. This will be the bottom end of the excavation. There are four more structures upstream equally spaced toward 528. The current access point now gets you into the bottom and you can come up into the big open area. There is a blue access point shown on the north side of the arroyo. The linear portions of the grade controls will be linear access driveways.

Mr. Gatterman stated that at this point, the design phase does not include public use such as trails, etc. The funds were specifically appropriated by the Water Trust Board and the legislature for construction. However, he said that he doesn't see anything in the existing plan that would preclude the addition of those types of facilities at a later date. The long range trail plans of the COG show activity going up Corrales Road and back to the west, so it is in the long-term plan. Mr. Thomas stated that at this point of the initial design they are focused on the hydraulic component, but the plan is to incorporate some multi-use features as part of this project. There will be an opportunity to provide trail connectivity to the north and the west. The agreement discussed with a potential developer incorporated landscaping and putting in multi-use amenities. The concept the developer is looking at is either to provide a bridge across the arroyo as a free span or using traditional box-culvert design. One of the options presented is to hardline a portion of the arroyo to reduce the width, which would reduce the cost of the bridge.

Mr. Gatterman stated that the plan is to proceed with SSCAFCA's design as if a development is not going to occur. The time frame is to have it done by the next monsoon season. If the development comes to fruition, it does look like SSCAFCA can do its improvements and they can do theirs and it will all work.

Mr. Ron Reeder, a member of the public, stated that he took issue with expanding the project because it was the use of "other people's money" because it is HIS money as a taxpayer. Mr. Thomas apologized for any impression given of an intent to spend money because it's there. He stated that this is a three phase component project. The first is Saratoga Dam, which is required to reduce the downstream discharge flow. In particular, that facility is key in reducing the FEMA flood plain. Hand in hand with that is the need to stabilize the slope and the sides of the channel and to establish grade control structures and some channel stabilization from below Saratoga Dam down to 528. When you create a large detention facility and start removing sediment from the equation, you create an erosive situation downstream. That is the reach that the project has been expanded into. The final portion of the project is the ultimate ability to control the sediment which goes into the Dulcelina Curtis Channel. The place to remove the sediment is before it goes into the channel. When the project was put together and it was scoped for the Water Trust Board, they were basing the project costs on what was listed in the Montoyas Watershed Management Plan. At that time, it was felt that the \$2 million would merely take care of this portion of the project because the initial costs were double what SSCAFCA had available. Once they realized that the cost estimate for this portion of the project was significantly less than what was originally estimated, they realized that they could take advantage of that and achieve further beneficial completion of those elements as they moved upstream, anticipating ultimately to get to the Saratoga Dam. The Corps funding will hopefully complete the Saratoga Dam project and, with this funding, the downstream two elements will also be completed. The project is not being expanded unnecessarily; rather, this was an opportunity to take

care of the other pieces of the problem. He stated that SSCAFCA is very aware of the fact that all the funding it gets is provided by the taxpayers.

Mr. Gatterman stated that with the ability to expand the project, they looked at the reach from 528 to Saratoga. Mr. Stovall stated that there will be about five grade control structures upstream. There are some flood plain issues in the area. Mr. Gatterman stated that they propose to build the project in two phases; Phase I would be NM 528 to the Dulcelina Curtis Channel endline. The environmental and cultural field work reports have been completed. The scope would be kept within the confines of the footprint of the Corps' 404 nationwide permit. If this cannot be done and be effective, the project will be delayed because SSCAFCA will have to apply for an individual permit. They are not projecting any FEMA related issues in this reach. Sufficient sediment storage will be provided. They believe that this phase of the project can be completed before the beginning of the 2014 monsoon season, barring the need for an individual permit.

Mr. Gatterman stated that the second phase would be 528 to Saratoga Road. There is no environmental or cultural resource work done in this phase. Nothing has been completed on this phase at this point. This phase will need to be closely coordinated with FEMA because it is a Zona A and there are other structures in the flood plain. This will most likely require a CLOMR. This is a much longer administrative process. This phase is scheduled to begin immediately following the 2014 monsoon season.

Mr. Stovall stated that, with the CLOMR (Conditional Letter of Map Revision), you show FEMA the design that you propose and you try to get their blessing ahead of time so they agree with your project and the proposed flood plain changes you present to them. Once you get their blessing, you build the project and submit the LOMR. FEMA then adopts the flood plain in the LOMR as its new official flood plain. This process would begin in the spring. FEMA will have 90 days in which to respond. He has done about 20 of these and normally receives responses before the 90 day period. He believes the CLOMR could be done by the end of summer so that Phase 2 construction could then proceed. He anticipates that the flood plain should get smaller and help a lot of people who are now in the flood plain. If the flood plain touches the property at all, then the flood insurance generally charges the full amount. Any charges are up to the insurance companies. It is possible that a lot of these properties can be taken out of the flood plain with this project. Mr. Conkling stated that the school, which is also supported by taxpayer money, would benefit by being out of the flood plain because its insurance would be reduced.

3. Action/Acceptance of the Task-Order for the Design and Bid Services for the Lomitas Negras Water Quality Facility with Smith Engineering in the amount of \$189,423.41.

Mr. Dave Gatterman stated that staff is requesting acceptance of the task order for the design and bid services for the Lomitas Negras Water Quality Facility with Smith Engineering for \$189,423.41. This is through Smith Engineering's on-call contract. When SSCAFCA was able to use the value of the property as its match, it freed up \$400,000 of bond funds that were originally slated as part of this project.

Mr. Conkling stated that somewhere down the line, Smith Engineering should submit a change order for a multi-use facility/trail system for this project. Mr. Thomas stated that it is possible this could be done in-house and he would like approval from the Board to investigate his options.

A motion was made by John Chaney to accept the task order with Smith Engineering as presented. It was seconded by Jim Fahey and passed unanimously.

Administrative Services Director:

1. Action/Acceptance of the Intergovernmental Agreement Regarding the Operation, Function, and Funding of the Storm Water Team.

Ms. Catherine Conran stated that she is asking for acceptance of the Intergovernment Agreement regarding the operation, function and funding of the Storm Water Team. Since 2009, SSCAFCA has been a part of the Mid Rio Grande Storm Water Quality Team. This is an educational outreach and marketing consortium of different entities. This update will allow the team to take on additional entities or agencies. It is a collaboration and allows each entity to leverage funds for marketing, education, etc. The cost of this is \$10,000.00 per year. It is not anticipated that SSCAFCA's cost will increase with the addition of other entities.

A motion was made by Mark Conkling to accept the Intergovernmental Agreement as presented. It was seconded by Jim Fahey and passed unanimously.

Field Services Director:

1. Update on storm cleanup.

Mr. Jim Service stated that just about everything is cleaned out except for Sportsplex. They have moved about 110,000 yards of sediment to date. SSCAFCA is about 2/3 of the way done with the cleanup. They have gone back and started regular post-monsoon season cleanup as well. There have been no problems encountered. They are running six to eight belly dumps from "Mount Dustmore" each day. The road is holding up quite well.

In answer to a question from Mr. Conkling, Mr. Service stated that he has not had any feedback on the art project that was installed in SSCAFCA's facility last year.

COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT.

Mr. Metzgar stated that he has started working on the condemnations on properties that were unable to be negotiated, mainly in the PDV Dam project. He is working with Andres. We are now at the point where we've had title reports on the properties. He is going through the process of clearing up the title reports so that he knows who the Defendants will be in each action. They are all properties that there were significant losses in value to those properties and the property owners are wanting what they paid for them. It does not seem that they will settle before condemnation. Property owners don't get their attorney fees, even if they get more than is offered. The costs can be very high. Most of the owners have not had their own appraisals done. They look at SSCAFCA's appraisals and say that they are not enough. Once the actions are filed, they most likely will come back to the table. Every condemnation case is sent to mediation in the Thirteenth Judicial District. A lot of the properties are partially in the LEE line and part is in the arroyo bottom. The values that have been established by the appraisers are \$6,500 an acre outside of the LEE line; once inside the LEE line they are not developable and the price drops dramatically.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

Mr. Rudy stated that the Council of Governments had a meeting yesterday in which they covered their legislative priorities. This is a 30 day session and the number of items is high and the money is short. Mr. Horan is also the lobbyist for the Council of Governments. They are also beginning a climate change scenario study. Mr. Thomas stated that the climate change study is part of the 2040 Futures Planning Effort for SSCAFCA.

PROPERTY MATTERS.

BOARD OF DIRECTORS REGULAR MEETING

NOVEMBER 15, 2013

None.

FOR YOUR INFORMATION:

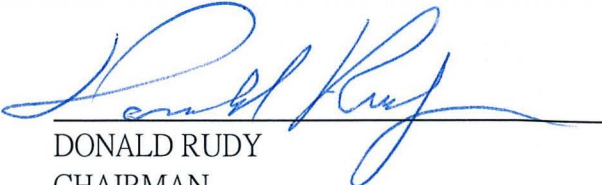
1. Corrales Comment article, "Corrales Partners up for Cleaner Rio Grande", (10/19/2013).
2. Albuquerque Journal article, "State Pension Plan Improves Solvency After Legislative Fix", (11/01/2013).

OTHER BUSINESS.

- Next Board Meeting is on Friday, December 20, 2013.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Jim Fahey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:55 a.m.


DONALD RUDY
CHAIRMAN



STEVE HOUSE
Secretary

DATE APPROVED: 12/20/13