

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY
(SSCAFCA)**

MINUTES OF JUNE 19, 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, James Fahey, and Michael Obrey. Mark Conkling and Steve House were noted as absent. Charles Thomas, Executive Engineer, 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 John Chaney to approve the Agenda as presented. It was seconded by Michael Obrey and passed unanimously.

ACTION/APPROVAL OF THE MINUTES OF MAY 15, 2015.

A motion was made by John Chaney to approve the Minutes of May 15, 2015 as presented. It was seconded by Michael Obrey and passed unanimously.

PUBLIC FORUM.

None.

STAFF REPORTS:

Executive Engineer:

1. Presentation of La Barranca at Idalia Road Flood Risks.

Mr. Charles Thomas stated that this is an area that has been identified as a future flood control facility. There was one house constructed there. SSCAFCA staff saw that the house was for sale and started looking at the flood conditions in the area more closely.

Mr. Andres Sanchez stated that this area is located on Idalia Road at the crossing of the Main Branch of the Barranca Arroyo. It is a planned facility called Badger Dam. The majority of the property for the facility has been acquired. This corner lot was being lived in and it was thought that it could be worked around, but acquiring it would make the facility a lot easier to construct. Recently, they noticed that the house was for sale. There is an existing FEMA mapped flood plain through this area. Historically, their approximate studies are based on very coarse topography. Through MRCOG, a LIDAR study is developed every few years for the region. The study information provides up to a two foot accuracy in the topography and gave staff the opportunity to take a second look at the area to possibly apply for some FEMA funding available for flood prone properties. Mr. Thomas stated that the asking price for the property was \$245,000. Mr. Sanchez stated that the blue on the map is the flood plain that SSCAFCA's analysis produced. The crossing is undersized for the 100 year storm, so what happens is that the water backs up behind the roadway and then overtops. This structure is definitely at risk, as are about 10 other properties in the area. SSCAFCA owns the arroyo section, but no properties outside of that. The last FEMA revision of the flood insurance study was done in 2008.

In answer to a question from the Board, Mr. Charles Thomas stated that the house was listed for sale and it appears that the homeowner has apparently walked away from the property. Right now, the bank has not completed the process. There is a time period during which the foreclosure process happens and it is not formally in foreclosure right now. Staff is still attempting to contact the homeowner to initiate a discussion. The FEMA program is a voluntary program, but if it goes into foreclosure, staff intends to initiate a discussion with the bank. SSCAFCA will also pursue an appraisal on the property, taking into account the newer flood plain information. Mr. Sanchez stated that downstream the banks of the arroyo are pretty high and the water is contained within the arroyo. The breakout occurs when the flood starts to back up behind the roadway. There are some big hills behind the property and having it would allow SSCAFCA to construct an embankment that wraps around so that the properties would be completely out of the flood plain. The idea is that the dam would be designed to restrict the flow to meet the downstream capacity or below capacity.

2. Action/Acceptance to apply for FEMA funding for property acquisition grant.

Mr. Charles Thomas stated that this item is seeking action/acceptance for approval from the Board to apply for FEMA funding for this property. FEMA has a program through its Hazard Mitigation Grant Program that they utilize to either purchase properties that are at significant flood risk, or to elevate them to take them out of the flood plain. As long as the purchase price is below \$276,000, it is not required to go through a benefit-cost analysis. It is a voluntary program on the part of the property owner to participate. Staff is seeking approval to move forward with submitting a Notice of Intent under that program to receive funding. This

would cover 75% and potentially up to 87.5% of the cost of the acquisition of this property. The only restriction that FEMA puts on the funding is that the structure would be required to be removed and the property dedicated to open space. If it is part of a dam facility, that would accomplish the same goal and fall under this requirement. SSCAFCA would be able to apply for additional funding for the cost of the demolition of the existing structure.

A motion was made by John Chaney to apply for FEMA funding for a property acquisition grant for this property. It was seconded by Michael Obrey and passed unanimously.

3. Action/Acceptance of Resolution 2015-8, Infrastructure Capital Improvement Plan (ICIP).

Mr. Charles Thomas stated that the ICIP was presented to the Board last month and opened for public comment. There were no comments received and no changes were made to the Capital Improvement Projects. He stated that Resolution 2015-8 accepts the ICIP as presented.

A motion was made by John Chaney to approve Resolution 2015-8 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

4. Action/Acceptance of Resolution 2015-9, Authorization to Accept Award of Cooperative State Program Funds.

Mr. Charles Thomas stated that Resolution 2015-9 is the authorization to accept award of cooperative state program funds. In discussions with the Department of Transportation on some of the projects, staff was made aware of additional funds that the DOT administers, which is the Local Cooperative Road Funds. They do accept applications for small projects that are designed to do small roadway improvements. Staff submitted two projects for consideration. The one that will receive funding pending approval of the Board is for drainage fixes at the intersection of NM 528 and NM 448. The Lomitas Negras Project has just been completed in that area and there is drainage that comes off of the southeast corner of the intersection which is creating erosion. The drainage structure does accommodate that flow, but with continued degradation it will potentially threaten both the roadway and begin to undermine that first drainage structure. The water will be directed down in a safe fashion into the arroyo. SSCAFCA did receive a letter indicating that it had been awarded \$12,750 toward the project. The total cost is about \$17,000. One of the requirements is to have a resolution accepting the funds from the NMDOT.

A motion was made by John Chaney to approve Resolution 2015-9 as presented. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

5. Action/Acceptance of Resolution 2015-10, Establishing a Unit Price for Sediment and Excess Earth.

Mr. Charles Thomas stated that Resolution 2015-10 establishes a unit price for sediment and excess earth. Over the past couple of years with the amount of sediment that has needed to be removed from its facilities, SSCAFCA looked at the concept of cost and how it might be better served to address SSCAFCA's needs with regard to ongoing maintenance of facilities as well as making the material available to local contractors for use in other projects in a positive fashion. This Resolution has been updated to include two different options. The first is that if SSCAFCA determines that removal of sediment will be in the best interest of SSCAFCA facilities by defraying costs, and if the purchaser provides all equipment necessary to load and move the sediment, there will be no charge. The second option is that if the removal of the sediment does not provide a benefit to SSCAFCA or if SSCAFCA is required to provide assistance on any kind of level to remove the dirt, the cost would be \$0.50 per cubic yard, plus the cost of any SSCAFCA resources utilized for the sediment removal. Right now, the cost for sediment disposal is running SSCAFCA anywhere between \$5.00 and \$10.00 per cubic yard.

In response to a question from the Board, Mr. Thomas stated that the current cost would be \$0.50 per cubic yard, plus the cost of any resources if SSCAFCA is involved. He is not aware of any instance where SSCAFCA has been able to charge more than \$0.50. The Resolution has set that in place without flexibility on the price. After discussion among the Board, Mr. Thomas stated that the Resolution could be amended on the second item to state that the cost would be "a minimum of" before \$0.50 per cubic yard. This would provide flexibility to the cost.

A motion was made by John Chaney to approve Resolution 2015-10 as amended. It was seconded by Michael Obrey. Roll call vote: John Chaney, yes; Jim Fahey, yes; Michael Obrey, yes. The motion passed 3-0.

6. Update on Water Trust Board Application for Upper SLO Dam.

Mr. Charles Thomas stated that on June 3, 2015, the Water Trust Board met in Santa Fe to determine all the projects that would be awarded funding from this last application cycle. The good news is that SSCAFCA did receive an award of \$950,000 from the Water Trust Board for the Upper SLO Dam project. In addition, the Governor has signed the Capital Outlay Bill which was passed during the special session and that contained an additional \$375,000 toward this project. It was not line item vetoed and was approved. The bond funds will make up the difference for the project cost. SSCAFCA is slated to move forward, looking at advertising in August, and moving toward construction in late September or early October. The total project cost is around \$1.88 million.

7. Development Review.

Mr. Charles Thomas stated that there were several items on review. The first item of note is the Arrowhead East Plat, which is the portion of the property owned by Bo Johnson along 528 on the south side of the Montoyas Arroyo. They have been moving forward and now have a plat in for approval by the City to subdivide the property. The arroyo will be subdivided out of that property. This is part of a negotiated effort with Robert Geringer. He still owes acreage as part of the initial development agreement with him for the hospital. The arroyo will be placed into a separate tract. It is approximately 11 acres and that will be given to Robert Geringer, who will dedicate it to SSCAFCA.

Mr. Thomas stated that the other item is the Los Diamantes Subdivision Master Plan. It is under review and moving through the City process. This is the large development in Unit 10 that will take place in the next couple of years. There is a connection with several of SSCAFCA's drainage facilities. They are looking at connecting into the Saltillo connection and into the Calabacillas. There are no surprises in this project and things are moving well. This flow will be diverted into the Calabacillas. The overall equation on the flow is not changed.

Fiscal Services Director:

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

Deborah Casaus presented the Fiscal Services Report for May 31, 2015 in the Board's packets. She stated that property tax collections are slightly less than last year, but SSCAFCA does still have its June distribution coming up. Fiscal year 2015 is wrapping up. To date, SSCAFCA is about 54% of its operating expenses for the general fund and about 92% through fiscal year 2015. The City of Rio Rancho has issued 52 single family residential permits for the month of May, for a total of 176 for the year. This is still about 30% below last year. Interest earned on the State Treasurer's funds was at a rate of .119% for the month of May. Next month they will bring the Final Budget for approval to the Board. SSCAFCA did receive approval of its Preliminary Budget from DFA. Two RFPs will be coming out on Sunday. They are for bond attorney and financial advisor.

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

2. Action/Acceptance of contract renewal with Crowley & Gribble with no requested changes.

Ms. Deborah Casaus stated that Crowley & Gribble has requested a contract renewal with no changes.

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

3. Action/Acceptance of contract renewal with American Fence with no requested changes.

Ms. Deborah Casaus stated that American Fence has requested a contract renewal with no changes.

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

Environmental Services Director:

1. Update on status of NPDES Permit.

Mr. Dave Gatterman stated that SSCAFCA opened for public comment on May 1, 2015. The comment period closed on June 1, 2015. There were no public comments received. Several municipalities did receive a letter from the development community that indicated that they were going to be watching what is being done through the process. By the end of today, he must submit the NOI electronically to the EPA and then mail copies to the NMED and several of the pueblos. Then, staff will wait to hear from the EPA on what they think of SSCAFCA's Notice of Intent, and then SSCAFCA will respond accordingly.

Mr. Gatterman stated that in the meantime, SSCAFCA will continue working with the other entities involved to develop a sampling plan to do this cooperatively so nobody goes their separate way and spends more money than has to be spent. They had their first meeting of the Technical Advisory Group. Five entities have decided to come up with a sampling plan and take it back to the entire group. That plan is now being worked on. Things seem to be going fairly well and the entities are communicating well. Based on the requirements of the permit, the entities are all testing for similar things in both reaches as far as in-stream sampling. The big entities have additional high run-off stuff that they must target, but SSCAFCA is not responsible for that. That is not part of the cooperative sampling. At this time, they will sample upstream and downstream. If needed, more sampling areas will be added.

2. Presentation on Lower Montoyas Project.

Mr. Dave Gatterman stated that the Notice to Proceed was issued on March 30, 2015. The primary contractor is Meridian Contracting, Inc. The contract amount is \$1.8 million, including NMGR. There is a change order pending which changes the project from faux boulders to real boulders, and adding a base course on access roads. It is scheduled for completion of the hardened elements by late June. Final completion is scheduled for late July. There is also a change order pending for eight days due to weather. He showed the Board pictures of the project and the status of the work. The request for the eight days is due to the rainstorm that caused problems on the site. SSCAFCA is not liable for any issues that they might have due to

storms, as contained in the contract, but this will cause an additional delay. The landscape architect will be responsible for the plants for two years, as per the contract.

Mr. Charles Thomas stated that the base course was added on a couple of the entrance routes, and across structure number 3 to allow staff to have good access that should be stable and able to be maintained. There is still the access from the roadway system in Corrales from the lower system. There were two sediment disposal sites in the original plan. The westernmost one at the first flood pool mounted a significant amount of dirt. The original intent was to take it back down, but having been able to get up there and look at it, it provides a nice view of the area and hides the Rio Rancho Sanitary Sewer Plant, so the intent at this point is to modify it a little bit at the end of the project and then seed that for a location for a water harvesting/shade structure in the future.

Mr. Ron Reeder, a resident of Corrales, asked about the balloon landings in the entrance to the Harvey Jones and if it would be a problem. Mr. Thomas stated that there is no dedicated public access into those areas. The area up from Don Julio Road is essentially unfenced and open, so when balloons have landed in that area in the past, people have driven in the area. There is no permitted access into the area. Given that there is the larger flood pool in place at the upper end of the facility which should capture immediate flows coming down, it should improve the safety of anybody that inadvertently finds themselves in the arroyo below.

Field Services Director:

1. Presentation on facility preparations for monsoon season.

Mr. Jim Service stated that staff has gone through about 70 work orders between January and today in preparation of the upcoming monsoon season. There are about 40 facilities that have been cleaned out. He showed the Board pictures of work that has been done on SSCAFCA's facilities to prepare for the upcoming monsoon.

OTHER COMMITTEE REPORTS.

None.

ATTORNEY'S REPORT.

None.

CHAIRMAN'S REPORT.

None.

BOARD OF DIRECTOR'S COMMENTS.

In answer to a question from the Board, Mr. Thomas stated that they have started stringing wire rope across the culvert boxes in and out of SSCAFCA's facilities to start preventing people from using the arroyos. The fencing has been somewhat of an issue because they cut it. There is a budget line item for fencing and it is repaired throughout the year. ATVs/four wheel drives are not an authorized activity and staff works with residents to encourage them to call the police and there are police who will respond. Mr. Service stated that fencing will not keep them out of the area. Mr. Metzgar stated that by providing a designated area for ATV riding could possibly open up SSCAFCA to liability if an accident were to occur. Mr. Service stated that he had spoken with Mr. House, who told him that there is a club that handled the liability problem somehow. Mr. Chaney stated that perhaps this could be approached in the next Executive Committee meeting where Mr. House is present.

Mr. Thomas stated that staff's strategy to date has been to focus on specific facilities to exclude ATV traffic. Full fencing is being incorporated into each facility, as well as putting in barriers coming into and out of the arroyo. The hope is that SSCAFCA can begin to target this issue on a facility by facility basis. This is an ongoing strategy with all of SSCAFCA's facilities. Staff has put in a notice of intent with FEMA in applying for a grant to develop an arroyo safety and education program. This will be one of the key elements in modifying behaviors in educating the public on the laws and restrictions, and the safety hazards and the ecological damage done to the arroyo systems themselves due to the ATV traffic. The state park system has also looked at creating an off road vehicle park just north of I-40. This will be a good model to pursue moving forward since they have gone through the liability issue.

PROPERTY MATTERS.

1. Action/Acceptance – Unit 10, Block 18, Lot 12 - 1.81 acres - Tributary "A" Dam.

Mr. Charles Thomas stated that it is necessary to obtain this property for the Tributary "A" Dam. With this property, SSCAFCA will be down to one and a half property acquisitions to complete all the property required for Tributary "A" Dam.

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

FOR YOUR INFORMATION:

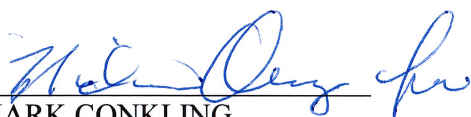
None.

OTHER BUSINESS.

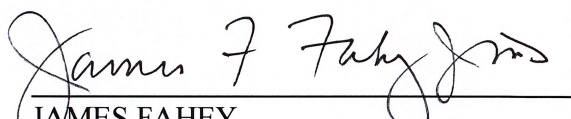
- Mr. Thomas stated that there will be a demonstration of the hydraulic model of the Saratoga Dam. That modeling effort has been completed and it is being opened up for a public demonstration. It will be held on Friday, June 26, 2015. One will be at 2:00 p.m. and one will be at 3:00 p.m. It will be held at the UNM Hydraulics Lab.
- Mr. Thomas stated that there will be a ribbon cutting on July 23, 2015 at 10:00 a.m. for the Harvey Jones Channel. It will actually be in the lower flood pool area. There will be a public notice put out because of Board attendance.
- The next Regular Board Meeting has been rescheduled for Friday, July 24, 2015 at 9:00 a.m.

ADJOURNMENT.

A motion was made by John Chaney and seconded by Michael Obrey to adjourn the meeting. It was carried unanimously. Meeting adjourned at 10:36 a.m.



MARK CONKLING
Secretary



JAMES FAHEY
CHAIRMAN

DATE APPROVED: 7/24/15

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