

**CITY OF ALAMOGORDO, NEW MEXICO  
CITY COMMISSION JOINT SESSION SPECIAL MEETING MINUTES  
MUNICIPAL BUILDING, 1376 E. NINTH STREET  
3:00 P.M., CITY COMMISSION CHAMBERS  
TUESDAY, FEBRUARY 11, 2003**

**MAYOR DON CARROLL**

**COMMISSIONER ED COLE**

**MAYOR PRO-TEM RON GRIGGS**

**COMMISSIONER JOHN ROBERTSON**

**COMMISSIONER INEZ MONCADA**

**CITY MANAGER PAT MCCOURT**

**COMMISSIONER DON COOPER**

**CITY ATTORNEY WILLIAM KIRSCHNER**

**CHIEF DEPUTY CLERK BETSY KIDWELL**

Call Meeting to Order and Roll Call. City Attorney William Kirschner was absent. County Commissioners Clarissa McGinn, Doug Moore, and Mike Nivison were also in attendance. \*County Commissioner Mike Nivison arrived at 3:08 p.m., County Commissioner Doug Moore arrived at 3:11 p.m., and Commissioner Moncada arrived at 3:15 p.m.

1. Discussion with the Otero County Commission regarding flood control.

**Mayor Carroll explained that the County Commission wanted to be brought up to date on the status of the flood control project. Mayor Carroll said we are going to get an update on the project and then discuss some of the concerns the City has regarding information the Corp has sent us in a letter regarding the benefits from the north channel. He introduced Kris Schafer, the Project Manager from the Corp of Engineers, who was here to give an update on the project.**

**Mr. Schafer told everyone that to date the Corp has finished what is known as Phase 1 on the project, which is a concrete channel from the railroad tracks west to the outflow. He said they are getting ready to award construction on Phase 2 of the south channel, which will take the channel from the railroad tracks up to Florida. He explained that subsequent phases**

will take the channel from Florida up through Marble Canyon to include Washington basin. He explained the basin will be situated in the vicinity of ballfields that are out there now. He added that incorporated into that basin will be brand new ballfields for the school. He said they also intend to make improvements to the existing McKinley channel. That is scheduled for completion a couple years from now. He said that will work in tandem with the south channel to protect the southern part of Alamogordo.

Mr. Schafer said that what we are about to discuss predominately involves the north side of town. He said that currently what the Corp has proposed for the north side of town is a concrete diversion channel that will intercept flows from Beeman and Dry Canyon and divert those west of the bypass.

He said they are getting ready to award the contract on the second phase of the south channel so they are making some progress on that. He said they have a site visit scheduled for tomorrow with the contractor. He said that is a quick update and asked if anyone had any general questions.

Commissioner Cooper asked what the timeline was on the completion of the south channel. Mr. Schafer replied about 4 years. He added that was just for the south channel and there would be a couple more years for the McKinley project.

Mayor Carroll asked where they stand with the railroad on connecting the two sides. Mr. Schafer replied that the railroad has completed the bridge design on crossing over McKinley, and they are almost done with the south channel bridge design. He said they could probably award a contract to construct both bridge crossings and that little section of channel under the bridges within the next year. Mayor Carroll asked if that was not essential to getting it to function properly. Mr. Schafer replied that was correct. He said that Union Pacific is requiring that they let them (Union Pacific) design their own bridges.

Commissioner Cooper said we will have to move a lot of infrastructure on White Sands like water lines, sewer lines, and gas lines in order to get to the east side of White Sands. He asked if it was still in place to have the detention basin in front of the middle school. Mr. Schafer replied that it will be due east of the school.

Mayor Carroll told Mr. Schafer that the other area we want to discuss came out of the letter from the Corp where we had specifically asked how much of the town would be taken out of the flood plain by the construction of this north channel. Mayor Carroll said the response letter indicated that none of it would. He told Mr. Schafer this is a real concern to us economically because when we started this project it was going to lower the flood insurance on most of the property in the City of Alamogordo. He said now

we are told that is not the case and the maps we have been presented over time seem to show that land is not going to be coming out of the flood plain.

Mr. McCourt clarified that the paper we are talking about is entitled Alamogordo Flood Control Project Information Paper dated December 4, 2002. He added that it was an internal document that the Corp worked on and provided us a copy of for review. He said it did cause us quite a bit of concern internally as we understood going into this project that we were addressing the 100-year flood project. He stated that we understood we could remove substantial portions of the City from the 100-year flood plan.

Mr. Schafer asked if he could offer a background on where the document came from. He said they have for the last year or so been in discussions with the City as well as residents along Red Arroyo talking about potential alternative to the north diversion channel. He stated that the perception was that the channel would create a worse situation for property owners downstream from where the channel would discharge. He said as a result of that, the idea was thrown out that perhaps we should look at a basin on the north side to contain the water instead of shipping it down a channel and discharging it into the traditional Red Arroyo water course. He said that they (the Corp) sought the approval of their higher authority to switch from a diversion channel to a detention basin. He explained that they asked that his office put together this information paper, which outlined where we stood with respect to the north channel. He said that in doing so they incorporated a couple of things that were a result of a Commission meeting last Fall, which included the question of how many folks would be taken out of the flood plain on the north side. Mr. McCourt thanked Mr. Schafer and covered the City's areas of concern in the document.

Mr. Schafer agreed that there appears to be a serious inconsistency with what the map shows and what the documents says. He said he cannot fully explain those inconsistencies. He explained that when the Corp of Engineers justifies a project it is not based on flood insurance requirements. It is based on economic analysis. He said the north channel is still economically justified in that it provides approximately \$1,750,000 per year in net economic benefits to the City. He said that is property that would have been damaged before construction of the channel that would no longer be damaged once the channel is in place in a flood event. He said there still is a significant amount of property that would not be removed from the FEMA designated flood plain. He said all he would offer from there is that he is not going to lie. He said this was not communicated properly to the City and they (the Corp) are negligent in that respect. He said it should have been understood all along that by virtue of 100-year flood protection it does not necessarily mean that everybody is going to be removed from the

**FEMA designated 100- year flood plain and thus, the requirements to pay flood insurance premiums.**

**Discussions continued between the Commission and Mr. Schafer regarding flooding in the area west of the bypass. Mr. Schafer said that their project would not be diverting anymore water than what they get now it would just have different timing. He said the existing structure is undersized and the whole premise of the channel is to take the peak off the system.**

**County Commissioner Nivison questioned what the criteria or threshold was that we would not pay flood insurance. Mr. Schafer said that the criteria that FEMA now uses, and confesses they recently changed the criteria and he is not completely knowledgeable in it, says that any flood improvement measure has to have a 95% probability of capturing the 100-year flow and that will then trigger no flood insurance.**

**Mayor Carroll clarified that a detention basin would capture the water and slow it down. He said that we were told that might be a viable option, but now are told to consider that further we are in a total reevaluation of the project at a substantial cost. Mr. Schafer explained that what Mayor Carroll is referring to is when we discussed a basin versus a channel. He said that their office thinks it is feasible so they took it to their higher authorities. They questioned if that would be stepping outside of what Congress authorized. The Corp believes this might require some kind of reauthorization, reassessment, reapproval through EPA, and be a fairly major effort. They estimated a cost of \$1.3 million to do the study and get it approved, plus add an additional 2 to 3 years to the project. Commissioner Nivison did not think the project would need to go back to Congress for reauthorization and suggested that Senator Domenici could get the project authorized. He stressed that Congress intended the Corp to get the job done. Mayor Carroll noted that even if that turns out to be possible the project will not do what we intended it to do.**

**Commissioner Robertson asked if there was not a considerable amount of property that would be taken out of the flood area on the original report. He recalled that the best part of the city would be taken out of the flood zone. Mr. Schafer replied that based on the maps shown earlier a significant amount of the city would be taken out of the flood zone, and that is not consistent with the information they have now.**

**Mayor Carroll expressed that he would like a meeting between the City, the Corp and FEMA to see how much of the city would be taken out of the flood zone with this project. He said we are talking about a project from 1998 and then FEMA comes in and changes the rules. Mr. Schafer clarified that FEMA, to his knowledge, has not changed the rules. He said the Corp changed how they are going to analyze the residual, and then FEMA came**

back and said if we are going to do that then we have to see a 95% protection improvement.

Mayor Pro-Tem Griggs clarified that a basin instead of a channel would not make any difference in the amount of flooding. Mr. Schafer confirmed that there would be no difference. Discussion continued about the three options of building a channel, a detention basin, or doing nothing. Mayor Carroll said that the reason that the City suggested the basin option is that it would address the concerns of many residents. He noted that we could use the political route through Senator Domenici to do whatever needs to be done at the Congressional level to get it approved. He added that we are now talking about another \$1.3 to \$1.5 million dollars of expense, and still having them come back and tell us that might not work either. He said this is coupled with the knowledge that no matter what we do the project is not going to do what we thought it would do. County Commissioner Nivison pointed out that the figures are not real; they are projected based on what Mr. Schafer thinks they might have to do as far as analysis and other things.

County Commissioner Moore asked Mr. Schafer if while they are kicking around different plans they would look at having it cover the FEMA 100-year plan requirements. Mr. Schafer replied that it does not make sense to him that they would build this structure and it would not protect people downstream. He said if they were to relook at it they would look at making it take them out of the 100-year flood plan. County Commissioner Moore asked Mr. Schafer what he thought was the best thing to do here. Mr. Schafer replied they should send him back for more information. He said he is not satisfied with the responses he is giving. He noted that they will continue working on the south channel and the McKinley project, and they are not near working on the north side.

Mayor Carroll suggested that we pursue continuing along with the south channel. He requested the Corp to get with FEMA and get a detailed agreement on what this project will and will not do and report back to us on what this project will do. He said that at the same time we will pursue the political avenue to see if the people who wrote the legislation agree with the alternatives or not. He said we will see if their direction to the Corp would be do what you need to do.

Discussion continued regarding if the project on the north side was vacated how much money the City would save and what it would do internally to improve drainage and flood control with that money. It was figured the City would save \$3.25 million. Mr. McCourt explained that the money is coming from future bond issues. He said we would earmark that money into storm drains from northern parts of the City to reduce flooding to homes. Mayor Carroll pointed out that the funding would be spread out

over 10 years and this portion of the project was not anticipated for about 6 years or so. Mr. McCourt pointed out that if we elected not to proceed with the north channel and decided to enter into a project at a later date, the funding matches would be different. He said the future matches are 35% for construction and studies are 50% in the future. Mayor Carroll noted that we need to look at the agreement we signed with the Corp because the Corp may feel they encountered expenses they want us to pay.

Mayor Carroll summed that until we get the answer to whether we will have any benefit from the project, it is premature to say what we are going do. He said we need to get answers from the Corp before we decide what to do, if anything.

There were comments made from several citizens concerning the impact of the plan, the current flooding conditions west of the bypass, the depreciation of property value, working with other resources like the Department of Agriculture, and the integrity of the bypass since it was built with the idea that the north channel would be built. Ms. Kathy Cox who owns property in both the city and the county showed pictures of the flooding on her property on Southwind, west of the new bypass, from about a year and a half ago. She referred to a study on record with the City that she had a copy of concerning storm drainage dated November 1958. She said it was the City's own engineering study and talks about what needs to be done from the mountains. She said the third phase includes detention dams and channels. (Note: A copy of Ms. Cox's copy of the study was taken by staff for Mr. McCourt after the meeting.)

Mayor Carroll thanked Mr. Schafer for giving the report and taking some of the arrows. He asked that he expedite the meeting with FEMA and the Department of Agriculture to see if they have any interests or input. He said that we will pursue the political option to see what might be needed if the determination is made whether or not the revised plan is within the scope of the original authorization.

Mayor Carroll thanked the County Commission for the opportunity to work with them on this issue.

The meeting was adjourned at 4:46 p.m.

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Mayor Donald E. Carroll

ATTEST:

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City Clerk Angie J. Rahn

(SEAL)

(Prepared by Chief Deputy Clerk Betsy C. Kidwell)

Approved at the City Commission Regular Meeting of 02/25/2003.



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