

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

**MINUTES OF SEPTEMBER 17, 2020  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Michael Obrey, Chairman, at 9:04 am.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were James Fahey, John Chaney, Mark Conkling and Michael Obrey. Charles Thomas, Executive Engineer was present, as well as Charles Garcia, attending as SSCAFCA's attorney.

**ANNOUNCEMENTS.**

An announcement was made by Chairman Obrey 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 Chairman Obrey.

**APPROVAL OF AGENDA.**

A motion was made by James Fahey to approve the Agenda. It was seconded by Mark Conkling. Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

**ACTION/ACCEPTANCE of the minutes of the Regular Board Meeting of August 20, 2020**

A motion was made by James Fahey to accept the minutes of August 20, 2020 as presented. It was seconded by John Chaney.

Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

**PUBLIC FORUM.**

Ron Abramshe representing Alegria HOA was present. Mr. Abramshe wanted to know if it was the Bureau of Reclamation (BOR) or SSCAFCA currently working in the Venada. Mr. Thomas stated that yes, it was the BOR that was working in the Venada and this topic would be covered later in the meeting under an action item. Mr. Abramshe had no other questions.

**STAFF REPORTS.*****Executive Engineer:***

1. Action/Approval of Resolution 2020-17 Support and Commitment to Seek Funding from the Water Trust Board. (m/o)\*

Mr. Thomas stated that Resolution 2020-17 is to seek funding from the Water Trust Board (WTB) for the Lower Venada improvements. Mr. Thomas stated that SSCAFCA was seeking a total of \$800K from the WTB and that SSCAFCA was proposing a \$400K match which would come from SSCAFCA's bond funds. Mr. Thomas stated that SSCAFCA was not an agency qualified to enter into loans with the WTB, however a grant was still possible with a contributing match. Mr. Thomas stated that the value of the match is a factor in the overall ranking for this funding and recommended contributing as much match as possible so we score higher in the ranking process.

Additionally, Mr. Thomas followed up on an earlier question from Mr. Abramshe in regards to the work being done on the Lower Venada and acknowledged that the project was underway. Mr. Thomas stated that SSCAFCA had entered into an agreement with the BOR to provide a portion of the funding to construct the necessary outlet structure. Mr. Thomas stated that this portion of the project will help reset the vertical level of the arroyo, lowering it significantly and allowing SSCAFCA to re-grade the arroyo in a more positive grade which will allow it to drain effectively and lower the amount of sediment deposited in the channel. Mr. Thomas stated that the overall design for the Lower Venada project was essentially 95% complete to date and the next step would be to identify a segment of the channel improvements that could be completed independent of the work being done by the BOR and get it out to construction sometime this winter or early spring of next year. Mr. Thomas stated that successful funding from the WTB will allow us to get very close to completion of the full project, which is essentially three separate segments. Mr. Thomas stated that the total contribution for the entire project would be approximately \$2.8 million dollars.

In response to Director Fahey's question about the amount of bond funds being used for this project, Mr. Thomas stated that figure to be approximately \$700K in bond funds.

A motion was made by James Fahey to approve Resolution 2020-17 as presented. It was seconded by John Chaney.

Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

2. Action/Approval of Selection/Agreement for On Call Professional Landscape Architect Services with the selected firms.

Mr. Thomas explained that the need for Landscape Architect Services came up during the preparation for the Black Arroyo Wildlife Park Improvements proposal, which was submitted to the National Park Service and the Land and Water Conservation Fund. These agencies highlighted the need to have Landscape Architect services available to us as a key factor in being successful with our proposals. Mr. Thomas stated that having on-call Landscape Architects would also be beneficial for other quality of life elements that we are wanting to incorporate into the project. Mr. Thomas stated that we received

six proposals all of good quality. However, given that we would not have enough work available for six firms, we decided to select the top two firms which were Sites SW and MRWM Architects.

A motion was made by James Fahey to approve the selection of the two firms, Sites SW and MRWM Architects. It was seconded by Mark Conkling.

Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

3. Action/Approval of Memorandum of Understanding (MOU) with the Eastern Sandoval County Arroyo Flood Control Authority (ESCAFCA). (m/o)\*

Mr. Thomas presented information on the updated Memorandum of Understanding (MOU) with ESCAFCA that had been previously presented as a draft. Mr. Thomas stated that the MOU included all of the tasks previously discussed: (1) Preparation and submission of ESCAFCA ICIP which is due to the Department of Finance and Administration in September, annually. Mr. Thomas noted that the Town of Bernalillo had already completed this task for ESCAFCA for the current year. (2) Prepare and post for public comment the MS4 Annual report by October 15th and submit the Annual Report before Dec 1. Mr. Thomas stated that Dave Gatterman of SSCAFCA will be overseeing this task. (3) Represent ESCAFCA's interests on MS4-related committees (Stormwater Quality Team and Compliance Monitoring Cooperative) and act as ESCAFCA's proxy vote for decisions related to activities by these committees. Mr. Thomas stated this task was the only new one that had been added to the MOU. (4) Attend ESCAFCA Board Meetings periodically to inform the ESCAFCA Board of Directors of activities performed by SSCAFCA on their behalf. (5) Periodically invoice ESCAFCA for SSCAFCA staff costs incurred for the above services.

Director Fahey asked for clarification on the length of the term of the MOU agreement. Mr. Thomas stated the term is essentially 12 months, through the end of 2021, with the exception of the agreement becoming effective prior to the start of a normal rolling 12-month calendar term. Mr. Thomas explained that this was necessary in order to get the annual tasks completed for the current year.

A motion was made by James Fahey to approve the MOU with ESCAFCA. It was seconded by Mark Conkling.

Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

4. Update on Rio Rancho Golf Course

Mr. Thomas presented an update on the current status of the Rio Rancho Golf Course. Mr. Thomas highlighted the most recent developments which included: A new Master Plan submitted to the City of Rio Rancho by Land Development 2, LLC on August 3, 2020. The Master Plan was scheduled for a Planning & Zoning Commission review on September 22, 2020. Mr. Thomas stated that SSCAFCA's comments were submitted on August 23, 2020 prior to the P&Z meeting. Mr. Thomas identified the official name of the Master Plan as La Rambla de Rio Rancho in the event that anyone wanted to make further inquiries about the plan.

Mr. Thomas presented an illustrative map to the Board of the existing conditions of the golf course, highlighting the current state of the drainage areas and the proposed zoning, specifically addressing which areas were slated to be residential, commercial and/or open space. Director Chaney asked for clarification on the definition of "open space". Mr. Thomas explained that open space is a generic term

for an unimproved area that could potentially be developed in the future, noting that a golf course was a possibility but not currently part of the existing master plan. In response to Director Chaney's concerns regarding the future maintenance of the proposed open space, Director Conkling gave perspective on how the City of Rio Rancho currently maintains designated opens space, citing that the most they do is mow the area and provide a few benches.

Director Chaney introduced the idea of taking over parts of the golf course open space in the form of a watershed park, which could serve as an amenity to the public, and suggested following up with the City of Rio Rancho on this proposal. Director Conkling expressed his interest in exploring that idea further. Mr. Thomas stated that the option for an entity to step in and take over the open space was probably still on the table, however the active discharge permits associated with the golf course ponds remain an obstacle for acquisition.

Director Conkling asked if the HOA dues for the new residential development could be used to cover the cost of maintaining the open space. Director Chaney responded stating that he was aware of a new HOA being created with the additional development but was not aware of any plans to utilize those HOA dues for maintenance of the open space.

Director Fahey stated that SSCAFCA should consider waiting on any attempt to step in to the current situation and suggested that we only get involved if asked, noting that we are not a parks and rec agency and may not be equipped to take on the maintenance responsibility. Director Chaney acknowledged Director Fahey's comment but suggested that we still raise the open space maintenance issue with the City of Rio Rancho. Mr. Thomas stated that SSCAFCA could amend their existing comments on the master plan to include the questions, concerns and ideas raised during the board meeting.

Mr. Thomas continued with the presentation and emphasized that the status of the discharge permits and current drainage conditions on the golf course remain notable complications/obstacles in terms of any future acquisition. In summary the current master plan only focuses on the proposed development. The need for a permanent drainage solution of the West Nine and East Nine are not addressed. The plan does not correctly state the NMED Discharge Plan status. Off-site flows as proposed comply with restriction to existing flows and discharge to the Trevino Channel is dependent on stabilization improvements. The Board had no further comments.

#### 5. Development Review

Mr. Thomas reviewed the development projects currently active. There were two items for review. First, the Rio Rancho Golf Course Master Plan aka La Rambla de Rio Rancho, which was previously discussed under agenda item #4. The second item for review was for Lomas Encantadas Unit 2B Phase 3 and Unit 2A Subdivision. Mr. Thomas stated that this was a sizable new subdivision and that the developer is proposing a new outlet structure that will tie into the Venda Arroyo. SSCAFCA is currently working with the City of Rio Rancho and developer on this proposed structure and this item is still under review and not approved.

#### **Field Operations Director:**

1. Action/Approval of Award of the Rio Mora Rd. Drainage Improvements Project to Salls Brothers Construction Inc. for \$217,787.96 including NMGRT. (m/o)\*

Mr. Gatterman presented information to the Board for approval of the Award of the Rio Mora Rd. Drainage Improvements Project to Salls Brother Construction Inc. in the amount of \$217,787.96. Mr.

Gatterman stated that this was a small project and that it would take sixty days to substantial completion and seventy-five days to final completion. The project includes installing approximately 300 feet of storm drain and filling in the Rio Mora right-of-way, which is currently acting as a drainage channel. Director Fahey asked if Rio Mora Rd was a City of Rancho road. In response to Director Fahey's question, Mr. Gatterman stated that Rio Mora was a City road and that once the project was complete and accepted the maintenance responsibility would be turned over to the City of Rio Rancho. The project will stretch from the culvert underneath Rio Hondo down to Rio Vista. In response to a question from Director Fahey, Mr. Edmondson noted that SSCAFCA's field crew had moved approximately 500 yards of dirt for this project, potentially saving the project several thousand dollars.

A motion was made by James Fahey to approve the Award to Salls Brothers Construction Inc. for the Rio Mora Project in the amount of \$217,787.96. It was seconded by John Chaney.

Roll call vote: John Chaney, yes; Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 4-0.

2. Action/Approval to purchase a Case 580-SN Backhoe Loader for \$96,678.02.

Mr. Gatterman presented the Board with an action item to approve the purchase of a Case 580-SN Backhoe Loader for \$96,678.02. Mr. Gatterman turned the discussion over to Mr. Edmondson, Field Engineer, to further explain the need for this purchase. Mr. Edmondson stated that a backhoe was needed to optimize the field maintenance crew's ability to complete more in depth field maintenance tasks and/or projects. Director Conkling asked if SSCAFCA had looked in to the option of a long-term lease as opposed to an outright purchase. In response to Director Conkling's question, Mr. Edmondson stated that he could research long term lease options to ensure that SSCAFCA's desire to purchase was in fact the best choice. Director Conkling stressed that he was not opposed to the purchase, as he just wanted to make sure SSCAFCA looked at all options before committing to one or the other. Mr. Thomas stated that SSCAFCA would conduct all necessary research in terms of leasing and make a fully informed decision once that process had been completed and provide an update to the Board.

A motion was made by James Fahey to approve the purchase of a Case 580-SN Backhoe Loader for \$96,678.02. It was seconded by Mark Conkling under the condition that SSCAFCA completed its due diligence by researching leasing options for the backhoe prior to purchasing one.

Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

3. Presentation on the Lisbon Culvert at Sugar Arroyo Project.

Mr. Edmondson presented an update to the Board on the Lisbon Culvert at Sugar Arroyo Project. Mr. Edmondson stated that this was a joint effort between SSCAFCA and the City of Rio Rancho. This project was needed due to a 2017 storm event that caused the culvert to overflow and damage homes. Mr. Edmondson stated that the original bid amount for this project was \$545,670 (excluding tax) and that the timeline was 120 days. The project team consisted of: Conley Engineering Inc., Engineer; SSCAFCA, Andy Edmondson, Project Manager; Mark Rios, Resident Project Rep; and Vital Consultants Inc., Carl Garcia, Project Manager. Mr. Edmondson stated that the project was completed with minimal changes or issues. Most residents affected by the construction provided positive feedback upon completion of this project. Mr. Thomas noted that in addition to correcting the culvert flow, the construction of this project provides SSCAFCA with better access to the arroyo for routine maintenance. Mr. Thomas thanked

Andy Edmondson and Mark Rios for their hard work on this project. The Board also thanked all those involved for a project well done.

**OTHER COMMITTEE REPORTS.**

None.

**ATTORNEY’S REPORT.**

None.

**CHAIRMAN’S REPORT.**

None.

**BOARD OF DIRECTOR’S COMMENTS.**

None.

**PROPERTY MATTERS.**

- 1. Action/Acceptance – Unit 17, Block 58, Lot 30 – 1.099 acres

Mr. Thomas stated that the property for proposed acquisition was adjacent to the Barrancas Arroyo just above Saratoga Rd. The residents who own the approximate 1.0 acre lot approached SSCAFCA and asked if we would be interested in purchasing it. A review of the lot’s geographical location showed that it was located within the LEE Line and about 50% of the property was in the arroyo. The property is essentially unbuildable and situated along an inaccessible public dirt road. Mr. Thomas stated that we received the appraisal for this property, and the property owners are willing to sell for the current appraised value even though that amount was much less than they expected.

A motion was made by James Fahey to accept the acquisition of Unit 17, Block 58, Lot 30. It was seconded by Mark Conkling.

Roll call vote: Mark Conkling, yes; James Fahey, yes; Michael Obrey, yes. The motion carried 3-0.

**FOR YOUR INFORMATION.**

- 1. The following On-Call Engineering Services contracts have been renewed with no changes for the second year. (m/o)

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|--------------------------|----------------------|
| • Bohannan Huston        | • RESPEC Engineering |
| • Conley Engineering     | • Smith Engineering  |
| • DBS & Associates, Inc. | • Tetra Tech         |
| • ESP Associates         | • Weston Solutions   |
| • HDR                    | • WHPacific, Inc.    |
|                          | • Wilson & Company   |


2. The following Fencing and Fence Repair contracts have been renewed with no changes for the year third year. (m/o)
  - TriWest Fence
  - Valley Fence
3. Rio Rancho Observer, **Developer Cuts Business Park Size in Unit 10**, (8-16-20) (m/o)
4. Rio Rancho Observer, **Hernandez Picked to Replace Lewis**, (8-30-2020) (m/o)
5. Rio Rancho Observer, **City Approves Taxing District to Support Los Diamantes**, (8-30-20) (m/o)


**OTHER BUSINESS**

1. **Next Regular Board Meeting is scheduled for October 15, 2020 @ 9:00 a.m.**

**ADJOURNMENT.**

The meeting was adjourned by Chairman Obrey at 10:32 a.m.

  
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Mark Conkling  
Secretary

  
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MICHAEL OBREY  
Chairman

DATE ACCEPTED: 10/15/2020