

**SOUTHERN SANDOVAL COUNTY ARROYO FLOOD CONTROL AUTHORITY  
(SSCAFCA)  
MINUTES OF SEPTEMBER 16, 2005  
BOARD OF DIRECTORS REGULAR MEETING**

**CALL TO ORDER.**

The regular meeting of the SSCAFCA Board of Directors was called to order by Dub Yarbrough, Chairman, at 9:00 a.m.

**ROLL CALL OF DIRECTORS.**

Directors in attendance were John Chaney, Mark Conkling, Steve House, and Dub Yarbrough. Donald Rudy was noted as absent. David Stoliker, Executive Director, Bernard Metzgar, SSCAFCA's attorney, and members of the public were also present.

**PLEDGE OF ALLEGIANCE.**

The Board was led in the Pledge of Allegiance by Dub Yarbrough.

**APPROVAL OF AGENDA.**

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

**ANNOUNCEMENTS.**

Announcements were made by Dub Yarbrough that all electronic devices needed to be turned off during the meeting.

**EXECUTIVE DIRECTOR'S REPORT.**

1. **Action/Acceptance of Resolution 2005-13 Notice of Sale.**

Bob Strumor, of Hughes & Strumor, SSCAFCA's bond counsel, stated that the proposed Resolution 2005-13 fits within the parameters of the report made to the Board last month and that it proposes the sale of the second \$3 million of bonds authorized in the last election, that the bonds will mature in 2019 and that they will be sold publicly through the electronic bidding system. He stated that there will be a meeting on October 13, 2005 to receive the bids and award the bonds. SSCAFCA will have the money from this bond sale by the end of October.

A motion was made by Mark Conkling to accept Resolution 2005-13 as presented. It was seconded by John Chaney. Roll call vote: John Chaney, yes; Mark Conkling, yes; Steve House, yes; Dub Yarbrough, yes. The motion passed 4-0.

2. Action/Acceptance of Grant of Easement & Maintenance Agreement for Tree Farm Pond A to the City of Rio Rancho for Intel Recreation Trail.

Mr. Stoliker stated that in April, the Board accepted the idea of granting an easement for the City of Rio Rancho across the Tree Farm Pond emergency spillway to allow Intel to put a trail along their property. The document has been prepared and staff is looking for approval. SSCAFCA will maintain all of the storm water facilities, but the City will maintain all other city owned public facilities within the easement property, including but not limited to all recreational facilities, landscaping, asphalt, bike trails, and storm drain laterals. Should the City assign these maintenance responsibilities to a third party (i.e., Intel), SSCAFCA agrees to allow such assignment so long as the City is ultimately responsible and has oversight and control of the third party.

A motion was made by Mark Conkling to approve the grant of easement & maintenance agreement for Tree Farm Pond A as presented. It was seconded by John Chaney and passed unanimously.

3. Discussion/Action of Task Order for ASCG/Stantec to Design the Lomitas Negras Dam at the Dulcelina Curtis Channel.

Mr. Stoliker stated that since the consulting engineers are extremely busy at this time, and that a joint partnership has been worked out between Stantec and ASCG to perform some of the design work.

Mr. Clint Dodge, of ASCG, stated that this dam is required to protect the downstream properties along the Dulcelina Curtis Channel. This was outlined in an amendment to the Montoyas Watershed Plan and approved by the Board in 2004. When Bohannon started the design for the Sportsplex Dam and re-did the hydrology, they identified this dam as a needed structure. The task order is to start the design, do the surveys, do the geo-tech, and get the layout done. Part of the intent of using Stantec is to help with manpower for one thing, but to get Stantec more familiar with the SSCAFCA processes and procedures. The task order is based on this project being a depressed facility. As such, the emergency spillway requirements for the state engineer are reduced. The amount is an unknown, as they have not met with the state engineer yet to determine the criteria for the actual overflow area of the dam.

Mr. Stoliker stated that this matter was tabled at the last meeting because the Board was unsure whether Mr. Mares was going to be coming in to complete his project and the Board was therefore unsure whether it needed to be doing this project right now. Mr. Mares has been in contact with SSCAFCA staff several times and is planning on meeting with the Board within the next month or so to obtain approval to move forward with his project. In order to stay ahead of Mr. Mares, this project must be started soon. Mr. Dodge stated that Mr. Mares desires to use dirt from this dam site and much work needs to be done before Mr. Mares begins his project. Mr. Chaney stated that the reason the Board tabled the matter last time was to enhance SSCAFCA's negotiating position with Mr. Mares and not act on this matter until SSCAFCA had an agreement with him in place. Mr.

Yarbrough stated that, regardless of the outcome with Mr. Mares, SSCAFCA is still going to need to construct the dam. Mr. Stoliker stated that there is a large demand for dirt right now and it is a viable possibility to use that incentive as a negotiating tool. Mr. Dodge stated that, in addition, it can take up to six months to get a 404 permit.

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

4. Action/Discussion of Sportsplex Dam Negotiations with Pulte.

A motion was made by Dub Yarbrough to table this matter. It was seconded by John Chaney and passed unanimously.

5. Action/Acceptance to obtain Remaining Sportsplex Dam ROW by Acquisition or, if necessary, by Condemnation.

Mr. Stoliker stated that the Board had talked in the past about Pulte acquiring the right-of-way and Pulte agreed to this. Since then Pulte has come back and indicated that they are not prepared to do it at this time. SSCAFCA needs to acquire this ROW to construct the Sportsplex Dam. This matter is independent of the Pulte negotiations mentioned above. The raw land cost in the County of Sandoval is increasing in cost. Mr. Metzgar stated that property values are going up so quickly that SSCAFCA needs to get to them before it gets to a point where SSCAFCA doesn't have the money.

A motion was made by Mark Conkling to proceed with the acquisition and/or condemnation, if necessary. It was seconded by Steve House and passed unanimously.

6. Action/Discussion of Draft Drainage Policy Amendment 2005-01 Encroachment into Lateral Erosion Envelope (LEE).

Mr. Stoliker stated this item is more for discussion than action today. It has to do with a potential policy amendment for the lateral erosion envelope (LEE). There are people building in the LEE line off of Chessman Drive. SSCAFCA's present policy states that they are not allowed to do that. It states that for somebody to build in that area, they are supposed to grant SSCAFCA an easement. But, if it is an existing platted property, there is no requirement to grant an easement.

Mr. Stoliker stated that a portion of SSCAFCA's Drainage Policy requires dedication of an easement or the granting a fee simple right-of-way, up to the prudent line during the subdivision development process to receive approval for the development. Staff suggests substituting the LEE line because they think it's better than the prudent line in its watershed management plans. The LEE line recognizes the natural storm water run-off processes eroding the land and resulting in side to side and downward movement of

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arroyos over time. SSCAFCA ' s goals include flood protection up to the 100 year storm for public health, safety and welfare of residents and property within its jurisdiction. Development is encroaching into those areas adjacent to arroyos and is encroaching both through the subdivision process and through existing platting in an increasing pace which places residents and structures in danger.

Mr. Stoliker stated that he thinks it ' s best to address the above problems as follows:

- 1) The LEE line is presented in the AMAFCA Sediment and Erosion Design Guide dated November 1994 and staff suggests using the LEE line over the prudent line as described in this guide;
- 2) Existing homes built within the LEE line will be considered local existing deficiencies and will be protected as funding is available and budgeted by the Board. SSCAFCA will take care of regional problems first, but as those facilities are taken care of, SSCAFCA should start looking at local projects to address local deficiencies;
- 3) Property owners constructing new homes within the LEE line will be informed that they are within the LEE line and that they must protect themselves against the possibility of scour or lateral erosion. Staff will require a drainage report prepared by an engineer addressing these and other site related drainage issues, including that the construction may not adversely affect other properties in the area, but construction will be allowed to occur;
- 4) identification and preservation of the area within the LEE line through easements, cooperative efforts or purchasing will continue as time and funding allow; and
- 5) Encroachment by subdivision development will occur only if Board approved and developer funded.

Mr. Chaney stated that he asked Mr. Counts, who is doing the quality of life plan, to present the Board with an entire package of zoning issues and development approaches for review. He wonders if that might be an area of discussion when the Board looks at how they handled the LEE line issue. The LEE line area presents the community with an important ability to enhance quality of life. Mr. Stoliker stated that he has met with Mike Castillo and Matt Spangler of AMREP, and Kim Kemper, an engineer for AMREP, to discuss this policy. He stated that Mr. Easterling, a drainage engineer, has also written a letter, which is in the Board ' s packets regarding this matter and he has some strong concerns about this issue.

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Mr. Dodge stated that 'DEVEX' represents a developed condition run-off with existing facilities, which would mean that there are no improvements other than a house or a commercial development by land use requirements. The idea is to start identifying deficiencies of existing facilities. Devex assumes full development of the watershed.

Mr. Conkling stated that SSCAFCA has addressed the on-lot ponding as a potential way of impacting its costs of downstream infrastructure. The Board has had presentations about local ponds that might be constructed in a cul-de-sac that would take care of the entire street. The Board has said that on-site ponding would reduce the cost of SSCAFCA's infrastructure approximately 35%. He would hate to put the LEE line policy in place when there are so many other issues that would affect the outcome of the policy.

Mr. Chaney suggested discussing this policy in a joint way with the City of Rio Rancho, since it will have a major impact on what the city will look like in the future. Mr. Stoliker stated that in his discussion with Mike Castillo, Matt Spangler, and Kim Kemper they feel that the LEE line is too wide and takes too much property. They believe that the way it is set up, the downstream owner is really taking care of what the upstream guy is dumping on him and there is increased cost to the downstream owner. Mr. Stoliker stated that he does not share this view.

Mr. Matt Spangler stated that he is happy that the SSCAFCA Board is looking to protect the areas next to the arroyos. However, he is concerned about the LEE line and that the calculation of fully developed flows artificially increases its width to a width that is not necessary and results in the taking of property unnecessarily. He also has some objections to the way the calculations are done. He would like the opportunity to discuss these in technical meetings with SSCAFCA staff so all concerns can be fully aired and possibly remedied. Mr. Chaney stated that it is important to address this issue as a priority because development in the area is outrunning SSCAFCA's policies. Mr. Yarbrough stated that it is his understanding that if the land is already platted, the City cannot require the property owners to pay impact fees. Mr. Metzgar stated that the City of Rio Rancho is not willing at this time to look at the on-site ponding. Mr. Conkling stated that the City was not willing to take it on as an administrative task, but they were open to discussions of an ordinance if SSCAFCA was willing to take on the approval and enforcement.

Mr. Ken Curtis, of the City of Rio Rancho, stated that the City is not willing to take this on administratively, as they do not have the capacity to do so. He understands that the discussions were primarily about existing planning areas which are obsolete within the improvement district. The concept has not worked in any other areas. The City has been a proponent more of small regional systems. One of the problems is that they would be outside the purview of SSCAFCA under the 500 cfs and, therefore, it is a City issue. But, ultimately, it is a drainage authority issue. Mr. Conkling stated that there must be a way to generate this discussion with the City again. He recommended that SSCAFCA takes its planning documents, the LEE objections, and the on-site ponding issue to a round table

discussion with the City authorities to find a pathway to an ordinance that would be something SSCAFCA could enforce.

Mr. Stoliker stated that the quality of life plan will help address this issue. The idea was to start the discussion now to bring the concerns before the Board and to use the quality of life flood control planning project to work out this issue. There is not much SSCAFCA can do about people building within the LEE line at this point.

Eddie Paulsgrove, of the Corp of Engineers, stated that the Corps would support 100% on-site ponding where there is a 404 permit required. The Corps has the authority to enforce the LEE lines as they are established in the permit. The LEE line is an enforceable condition. They encourage the park ideas and would be happy to work with SSCAFCA to resolve this issue and establish any policies, but they couldn't help with any construction.

Mr. Chaney suggested having a committee meet with staff and Mr. Counts to look at how other communities have handled this issue. He suggested that the committee of Mark Conkling and John Chaney, which was put together to look at the quality of life issue, could meet on this issue. Mr. Chaney stated that it would be helpful if the Corps and others, like Mr. Easterling and Mr. Spangler, were involved in the meeting as well.

7. Action/Discussion of Draft Drainage Policy Amendment 2005-02 Encroachment into Area of Spillway Design Flood.

Mr. Stoliker stated that when SSCAFCA builds a dam, under the State's new rules and regulations on construction of dams, it needs to prevent development encroachment into "the reservoir area defined by normal operation and the spillway design flood." The state engineer has said that they want SSCAFCA to look at the spillway design flood area or the probable maximum flood (PMF).

Scott Armstrong, of Bohannon-Huston, stated that one of the statements in the regulations is that owners of dam facilities are required to have an easement or own the land and not allow development within that area. The blue and red lines on the map he is showing to the Board indicate the inundation limits of the probable maximum flood. The blue line shows where the line is if the probable maximum flood were to hit today without any dam in place. The red line indicates the approximate location of the inundation limits after the dam is constructed. The dam would push the inundation limits out on the north and south sides. The difference between both lines is about 17 acres on the north side, and approximately one acre on the south side. The issue with the regulations is that it's not just the difference between what currently exists and what would result after the dam project; the policy states that after the dam is built the owner needs to have ownership, easement or right-of-way on the PMF. SSCAFCA does not own some of the property that will be needed to prevent development in the area.

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Mr. Stoliker stated that this is a costly proposition for SSCAFCA. Assuming the 18 additional acres over the existing PMF were needed and they carried a value of \$20,000.00 per acre, this would be \$340,000.00 for a portion of the property for this facility alone. The existing PMF property would also be required to be purchased. Only the property upstream and affecting the PMF will be purchased. Other properties in the LEE line or downstream of the dam will not be purchased. He does not think that the Board can afford this policy. There is a waiver capability in the regulations that may allow SSCAFCA to get out of it, but the request needs Board approval. Almost all rules are set up on a case by case basis that will allow for waivers. He believes this rule is unfair.

Elaine Pacheco, of the State Engineer's office Dam Safety Bureau, stated that they see this inequity because flood plain management usually is to the 100 year event because when dams fail they can cause catastrophic damage. Studies have shown that the number one reason for dam failure is overtopping, which means that spillways were under-designed. The standard then became for the probable maximum precipitation. The run-off of that would be the probable maximum flood. There is a big difference between providing 100 year protection and the probable maximum precipitation event. With urban drainage and urban dams they recognize that they must be more flexible where there are other issues involved and that is why they have the waiver language. She is here today to listen to the discussion to help her decide on how to present the issue to the state engineer and if a waiver should be granted. They will grant a waiver on a case by case basis specifically by project. The proposed amendment appears to be a blanket request to have waivers on all projects. They will look at each issue case by case and try to make a decision based on the merits of the specific project. They will not grant a blanket waiver for all future SSCAFCA projects on this requirement.

Ms. Pacheco stated that they have not had this issue come up with AMAFCA dams, nor with the City of Albuquerque. Usually, they do not have development that occurs below the dam crest. The spillway carries the flood events so that they do not overtop the dam. In this case, she believes it is unique because the proposal is to armor the entire dam and take water over the top. They don't see this at other dams. The state engineer does not have the authority over flood protection. She sees it very favorable to the waiver that if the SSCAFCA Board, which does have authority over flood protection, is willing to approve this, then rising water within a reservoir is not as hazardous as being in a spillway.

Mr. Yarbrough stated that the primary purpose for this dam was to protect the downstream public, mainly the Village of Corrales. Ms. Pacheco stated that they will not grant a waiver that will result in the dam failing.

Ms. Pacheco stated that because of pressure from the federal government to address security at dams, they don't want people who don't belong there showing up at dams. They recognize that urban dams are unique and they have multi-purpose use and

they can involve a park in the reservoir area and they generally waive that. Having a park in the area will generally not be a problem.

Mr. Stoliker stated that staff always works with the developer to try to raise the elevation of the areas so that it will be taken out of the area that will be inundated by the probable maximum precipitation. SSCAFCA is a young organization that is just now trying to set its policies. If the Board wants staff to pursue spillway design floods it will be more onerous on each project because SSCAFCA only has a certain amount of money. Mr. Yarbrough stated that SSCAFCA's policy is to protect to the 100 year event and he can see lots of problems in going with the probable maximum flood. Mr. Paulsgrove, of the Corps of Engineers, stated that their standard is the 100 year flood event, but they can work with the probable maximum flood. They have a lot of discretion in this regard. The bottom line is if it is in the public's best interest. Ms. Pacheco stated that when it comes to flooding, the Corps does look at 100 year and 500 year events; when it comes to building a dam, the Corps' standard is the probable maximum precipitation. Mr. Stoliker stated that there is a possibility of a waiver on this, but it is not guaranteed. His question is whether or not the Board would like him to pursue the waiver given its limited resources.

A motion was made by Steve House to pursue the waiver for this project with the state engineer given its limited resources. It was seconded by Mark Conkling and passed unanimously.

8. Action/Discussion of Entrada de Coronado Grant of Easement Plat Review.

Mr. Stoliker stated that this matter is concerning how SSCAFCA will take easements on bulk properties and how it will use the easements. This plat states that these easements shall be used solely for the access, construction and maintenance of storm water drainage and that the easements may be vacated, relocated, altered, qualified as to purpose, or otherwise changed or eliminated based upon an approved site design with an approved plat contemplated at time of future development for the property so encumbered.

The idea is that when you have a bulk plat and it is going to be further platted and split into different kinds of properties, SSCAFCA wants a drainage easement on it. The language allows the developer to come in and, for example, put the drainage in a pipe and relocate it so it goes on the outside of the development. He would like SSCAFCA's open space issue to be handled through the Quality of Life Flood Control Planning Project on which Mr. Counts is working. In these cases where SSCAFCA has segmented drainage easements, the open space is of minimal value. Given its limited resources, SSCAFCA should be focusing on its major arroyos and providing open space in those areas.

Mr. Chaney stated that at the Executive Committee meeting it was discussed that if SSCAFCA established some policies and got the City to go along with those policies, why would SSCAFCA have the ability to change those policies on a case by case basis. He



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believes that this matter should be tabled until after some decisions have been made on LEE lines, ponding, etc.

Mr. Peter Webb, a representative of the developer of this project, stated that this project is a large piece of property that has a couple different areas of drainage that run through it. The property has been owned by multiple owners, which the City has desired to zone as commercial property because it would then represent one of the largest pieces of commercial property in the City. The long range goal for the City is that they see it as a potential to generate gross receipts tax and revenues for the community. How the property is ultimately developed depends a lot on the end user. Those end users would most likely be one or two very large "boxes," which is a large retail store. To impact the site plan by specifying now that this is the only way to handle the drainage and also overlay with that the open space issues, it becomes a real challenge for how the site will ultimately be developed. If the developer and the end user have the ability to be able to route the drainage and address the open space issues in another way, it is better for the community and everybody involved, not just the developer.

Mr. Stoliker stated that this property is at Idalia and 528. The shaded areas on the diagram are the drainage easements that the surveyor and the engineer have worked out. It may only flood three inches to a foot in that area. He wants the special language in there so that if the developer comes in and wants to put it into a pipe he would be allowed to do that without having to go through a bunch of extra work. If there is no special language, he can't change or release the easement.

Mr. Conkling stated that he has an ownership interest with his wife in this property and he will not vote on this issue. The way he understands the special language is that these easements can be changed based upon an approved site design with an approved plat contemplated at the time of development. The site design and the plat must be approved, but this is just the easement on the bulk parcel. All it means is that it can be moved around to maximize use of the space and also meet the conditions of all the governing bodies. The City and SSCAFCA must both approve the site plan, so this matter will come back to the Board before anything is built. He offers these remarks by way of clarification because he cannot and should not vote because of his ownership interest.

Mr. Yarbrough stated that if the flow is less than 500 cfs they will not have to come to SSCAFCA. Mr. Chaney stated that his concern is that SSCAFCA can reach a comprehensive approach to open space drainage; that SSCAFCA has the ability to conform the policy to any new development in the community. Mr. Metzgar stated that the language in the grant of easement is fine. Based on SSCAFCA's drainage policy, the Board has given the authority to the City as its designee on smaller projects to approve matters such as this. SSCAFCA is not in any way violating any of its policies with this language.

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A motion was made by Steve House to approve the language contained for the easement in the Plat as presented. It was seconded by Dub Yarbrough and passed 3-0, with Mark Conkling abstaining.

9. Action/Acceptance of Using SSCAFCA's Building as a Polling Location for Elections.

Mr. Stoliker stated that SSCAFCA received a letter from the County Clerk asking if they could use SSCAFCA's building as a polling location.

A motion was made by John Chaney to allow SSCAFCA's building to be used as a polling location for elections. It was seconded by Steve House and passed unanimously.

10. Discussion of Personnel and Policy Issues.

Mr. Stoliker stated that he would like to get a Personnel Committee meeting set with regard to recognizing Erica Baca and other personnel issues; discussing a transition with regard to Bob's retirement; and about his request to pursue an MBA degree and have it paid for by SSCAFCA. Mr. Metzgar stated that the Personnel Committee is Dub Yarbrough, Steven House, David Stoliker and himself.

**CONSENT AGENDA.**

1. Action/Approval of the Minutes of August 19, 2005.

A motion was made by John Chaney to approve the minutes of the August 19, 2005 Regular Board Meeting as presented. It was seconded by Steve House and passed unanimously.

**RECOGNITION/ACKNOWLEDGMENT OF THE TREASURER'S REPORT FOR AUGUST 31, 2005.**

Mark Conkling presented the Treasurer's Report for August 31, 2005 on behalf of Donald Rudy. There were no questions on the report.

**CHAIRMAN'S REPORT.**

None.

**BOARD OF DIRECTORS' COMMENTS.**

None.

**ATTORNEY'S REPORT.**

1. Action/Acceptance to obtain Right-of-Way for Northern Meadows Regional Drainage Facilities by Acquisition or, if necessary, by Condemnation.

Mr. Metzgar stated that Jim Wall, President of AMREP, has asked SSCAFCA to acquire some lots for another regional drainage pond in Northern Meadows. The SSCAFCA Board has approved two prior areas where AMREP is putting in ponds for its development. AMREP tried to buy these lots, but has been unsuccessful. Any acquisition done by SSCAFCA will be reimbursed by AMREP.

Mr. Kim Kemper stated that these are ponds on the north and east of Northern Meadows that control offsite flows considered in fully developed condition. They are building some ponds offsite to knock them back down to historic to ultimately control the flow rate into the Montoyas Arroyo. The one pending lot acquisition is just above Northern Meadows in Unit 11. There were a number of lots adjacent to Unit 17 and they acquired all but two; however, as soon as the lot owners got the letter from SSCAFCA indicating the process, they called back and sold them to AMREP. They now control four of the seven lots that were needed; they cannot get a response from three of them so they are back one more time to ask for assistance in the acquisition of those properties.

A motion was made by Dub Yarbrough to approve AMREP's request for SSCAFCA's assistance in the acquisition of these lots as presented. It was seconded by Steve House and passed 3-0, with John Chaney abstaining.

**PUBLIC FORUM.**

None.

**FOR BOARD INFORMATION.**

Mr. Stoliker stated that the following was for Board information only and/or contained in the Board's packets:

1. August 30, 2005 Correspondence from Kelly Romero of Sandoval County Regarding Rio West Master Plan and Review of Draft Response Letter.

Mr. Stoliker stated that this issue looks like it is west of the escarpment, which is outside of SSCAFCA jurisdiction. He stated that Debbie Hays, the County Manager for Sandoval County, suggested that SSCAFCA move further west to take this area under its jurisdiction. He stated that they are rehabilitating a Natural Resources Conversation District dam east of I-25 and they are interested in having SSCAFCA assist in this project.

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He told her that if the County was serious about SSCAFCA doing something like this that she needed to write a letter to SSCAFCA.

2. August 31, 2005 Correspondence to Edward Paulsgrove Regarding Sportsplex Dam Site.
3. August 31, 2005 Letter and Invoice to AMREP, Tierra West & SCM Regarding Development in Black Arroyo at Southern Boulevard and Unser Boulevard.
4. August 29, 2005 Correspondence to Al Sena, Robert Geringer, and Bo Johnson Regarding the Development in the Black Arroyo Watershed.
5. GASB Final Land/Easement & Infrastructure Summary for FY/05.

Mr. Stoliker stated that this GASB summary shows that SSCAFCA has added significantly to its land holdings in the last year.

6. The following developments/drainage plans were received for review and comments provided to the consultant:
  - a. Arrowhead East; comprising approximately 92 acres of mixed use with 215 dwelling units, approximate discharge of 78 cfs. Comments were provided to the consultant on August 23, 2005;
  - b. Northern Meadows, Unit 16; infrastructure plans were signed by the Executive Director on August 18, 2005.
7. GASB Total Summary Sheet.
8. Sediment Removal at the Venada Arroyo.

Mr. Stoliker stated that there has been a request from The Orchards to take some dirt out of the Venada Arroyo. SSCAFCA has allowed this before with Mr. Longley. In this particular case, The Orchards wants to use about 6,000 cubic yards and use it on their development. This will benefit SSCAFCA and will also help SSCAFCA in reconstructing part of the outlet. This work would be a substitute for giving SSCAFCA \$0.50 per cubic yard. He stated that it is good deal economically for SSCAFCA to allow him to remove and use the dirt and put the facility back in its original design shape and to do improvements at the lower end in exchange for the \$0.50/cubic yard. He would like to take care of this by next week. Mr. Yarbrough stated that he didn't have a problem with it.

9. Quitclaim Deed for Unser Boulevard Right-of-Way.
10. September 14, 2005 Response from Pulte Regarding SSCAFCA and Pulte Development Agreement.

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11. Dr. John Sigler Contract.

Mr. Stoliker stated that Dr. Sigler has a fish and wildlife biology degree and SSCAFCA has heard rumblings that it is not in full compliance with Corps of Engineers requirements with respect to its operation and maintenance agreements. SSCAFCA is trying to verify that by contracting with Dr. Sigler. Dr. Sigler will also look at SSCAFCA 's water quality designs from a different viewpoint.

12. September 13, 2005 email from Scott Armstrong Regarding Sportsplex Spillway Design Encroachment.

13. September 13, 2005 Correspondence from Jim Wall Regarding Northern Meadows Right-of-Way Acquisition.

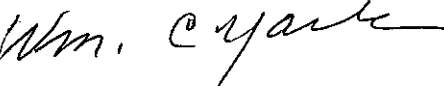
**OTHER BUSINESS.**

None.

**ADJOURNMENT.**

A motion was made by John Chaney to adjourn the meeting. It was seconded by Mark Conkling and passed unanimously. The meeting was adjourned at 11:08 a.m.

  
JOHN CHANEY  
Secretary

WM. C. YARBROUGH  
Chairman  


DATE APPROVED: