

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1608  
HELD WEDNESDAY, JULY 6, 2016**

A Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, July 6, 2016, at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5<sup>th</sup> Floor, Stockton, California, at the hour of 8:00 a.m.

**TRUSTEES PRESENT WERE:**

MICHAEL PANZER  
DREW MEYERS  
BRETT THOLBORN

**OTHERS PRESENT WERE:**

DANIEL J. SCHROEDER  
ANDREW J. PINASCO  
JEAN L. KNIGHT  
JOE BRYSON  
BOB BENTZ

**VIA CONFERENCE CALL:**

CHRIS NEUDECK

**Item 1. Public Comment.** None.

**Item 2. Approval of Minutes.** Minutes of the regular meeting of June 1, 2016 and Special Meeting of June 24, 2016. After review,

It was moved, seconded, (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the Regular Meeting of June 1, 2016 be approved as read.

It was moved, seconded, (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the Special Meeting of June 24, 2016 be approved as read.

The following bills, and warrants in payment of same, were approved:

MICHAEL PANZER, #5798, Trustee Fee, Two Meetings.....	200.00
DREW MEYERS, #5799, Trustee Fee, One Meeting.....	100.00
BRETT THOLBORN, #5800, Trustee Fee, Two Meetings .....	200.00

JEAN L. KNIGHT, #5801, Secretarial Fee, Two Meetings .....	940.00
NEUMILLER & BEARDSLEE, #5802, Inv. #278164 .....	4,055.22
VOID, #5803.....	0.00
PG&E, #5804, Electrical.....	24.05
JUDITH BUETHE COMMUNICATIONS, #5805, Inv. #5063 .....	373.77
ANIMAL DAMAGE CONTROL, #5806, Inv. #357.....	200.00
ADWEAR, #5807, Inv. 10158.....	264.85

Timesheets for the following employees were submitted and checks in payment of same, were approved:

GABRIEL P. BANKS, #1264, June 1-15, 2016 Semi-Monthly Salary .....	624.95
GABRIEL P. BANKS, #1265, June 16-30, 2016 Semi-Monthly Salary .....	813.74
BRIAN SHEPARD, #1266, June 16-30, 2016 Semi-Monthly Salary.....	199.99
JOE BRYSON, #1267, Payroll, June Salary .....	3,616.84

State and Federal Payroll Taxes scheduled to be paid on line, were approved

State Government, Payroll Taxes, June Salary .....	314.74
Federal Government, Payroll Taxes, June Salary .....	1,964.26

**Item 3. Financial Report.** Review, discuss, and accept financial report. Dan Schroeder presented the Financial Report and said the District is at 100% of the fiscal year. District has done well and the reserves are all in place.

Upon motion duly made seconded (B. Tholborn/D. Meyers) and unanimously carried, the Trustees of Reclamation District 1608 approved the financial report and that the reserves remain the same.

(a) Adopt Resolution 2016-04 Certifying Assessments To Be Collected And Establishing A Procedure For Collection For Fiscal Year 2016-2017. Dan Schroeder presented this item. The District needs to annually establish the amount which will be at the ceiling of the Proposition 218 limit for assessment collection and sets forth the procedure for collection. This information is forwarded to the County Assessor’s office for collection on the property tax bills.

Upon motion duly made seconded (B. Tholborn/D. Meyers) and unanimously carried, the Trustees of Reclamation District 1608 adopted Adopt Resolution 2016-04 Certifying Assessments To Be Collected And Establishing A Procedure For Collection For Fiscal Year 2016-2017.

(b) Approve Revised Records Storage Agreement. Dan Schroeder presented this item and noted that currently three reclamation districts (2126, 1608 and 1614) share a storage unit at B&R Self Storage at 7777 Kelley Drive, Stockton. Reclamation District 828 has 16 boxes of records it needs to store offsite and there is additional space in the unit being used by the three districts referenced above. If approved by all Districts, this will take the expense down to ¼ of the total bill. After discussion, the Trustees were in favor of this agreement. Therefore,

Upon motion duly made seconded (B. Tholborn/D. Meyers) and unanimously carried, the Trustees of Reclamation District 1608 approved the Revised Records Storage Agreement between Reclamation Districts 1608, 1614, 2126 and 828 with an effective date of August 1, 2016.

(c) Review of Sediment Removal Funding Issues. Because of an earlier reported conflict of interest determined by the California Attorney General's office, Trustee Tholborn left the meeting room before this item was discussed.

Attorney Schroeder gave a Power Point presentation on the funding for the Sediment Removal Project. There were options given for additional funding such as talking to another bank, delaying the project and/or going back to property owners for an another Proposition 218 hearing to request an additional assessment.

Trustee Meyers spoke up and said he had wanted a 5 five year financial plan and thought he had indicated that previously. There are several expenses the district is incurring and some revenues that the District will be receiving that he feels should be taken into account. There was discussion about levee subventions reimbursement and whether the District could take some of the expenses related to the project and consider them for reimbursable expenses. He wants to look at options. So far the District has invested \$230,000. What would the new cost be and then he wanted to project the District's expenditures and revenues for the next 5-9 years. He said he wants viable figures in front of the Trustees and asked that the item be tabled until this is done. Trustee Panzer asked if the proposed 1.8 million dollars include all costs – design, disposal and the work itself. Mr. Schroeder thought that \$1.8 million might be optimistic. The bottom line of the revenues at this point is that the District would not be incurring the current FEMA expenses, there are no obligations for the \$30,000 the District has been paying for the Wright-Elmwood Tract, and the District is now part of the Levee Subventions Program.

The trustees would like numbers to come from Kjeldsen, Sinnock & Neudeck ("KSN"), not HDR. Mr. Neudeck stated if the District wanted KSN's involvement, they would look at it from a holistic approach and would also talk to a dredging resource they work with. The Army Corps of Engineers, the Regional Water Quality Control Board - Steve Michaelson. There was involvement with Tinsley Island and the San Joaquin River Yacht Club. He noted that the ideal location for storage would be Wright Elmwood tract. Chris will work with Mr. Michaelson for costs – per yard basis. Surveys done under HDR will also need to be updated. There is more silt than before so he can also work

with Johnnie Mack. He noted that with the Letter of Map Revision, Johnnie Mack has been very helpful. His hope is to get it done in 30 days. He did note that the Levee Subvention Program is up in 2017 but all assumptions think it will be continued as it has been in recent years. However, he is not overly optimistic that costs will not come down substantially. There are very short times to work within certain work windows and only certain amount of dredgers and limited time and costs will likely be higher. The next meeting will be on August 19<sup>th</sup>. At that time, there will a five year expenditure plan presented, up to date analysis, anticipated revenues, expenses, and a cost estimate for the project.

Mr. Neudeck also stated that there will also need to be discussions regarding CEQA and a construction timeline, what is done, what's been completed, what has to be restudied. Are those milestones sufficient? He noted that there are still a fair amount of details needed for the Letter of Map Revision but there are delays because so many people are off on vacations.

After the above discussion, Trustee Tholborn returned to the meeting.

**Item 4. Engineer's Report.** Request for directions and approvals.

- (a) Consider new permits requests from homeowners. None.
- (b) Consider Pending permits requests from homeowners.
  - (1) 3821 Falmouth Court, Index No 134 Lot 2129, APN 098-100-18  
Review request to place sod (lawn) on the landside levee slope. Engineer Neudeck reported that this work has been done and appears to be in compliance. There were photos of the grass in pictures in the engineer's report but the owners still need to do some more tree trimming. Pictures were also passed around showing the lawn.
- (c) Consider Violations Of District Levee Encroachment Standard
  - (1) 7056 Bridgeport Circle, Index No. 50 Lot 1563, APN 097-560-36. Photos of Mr. Lomax's hedge were included in the engineer's report. As also noted, Mr. Bryson said Mr. Lomax intends to remove his entire hedge and at the meeting it was hoped that he will be in compliance between now and next meeting.
  - (2) 7050 Bridgeport Circle, Index No. 47 Lot 1560, APN 097-560-39. Steve and Jane Copello. Joe Bryson spoke and said it look like the Copello's are going to comply. He will need to follow up. The Copello's are moving and Mr. Copello said he will take care of trimming the hedge and bring his property in compliance. The Copello's received a violation letter in April 2016 which stated they needed to trim the bushes on the fence and the violation noted that they were to keep the slope clear of leaves and brush. It was asked if there were a realtor involved yet. Mr. Bryson said he did not know of one at this point. It was suggested that when they have put it up for sale, that a letter needs to go to the property owner and real estate agent regarding the violation as the sale can move

quickly and the District wants to be assured the property is cleaned up and in compliance before the sale is completed. Mr. Bryson is to inform Chris Neudeck and Dan Schroeder if the owner doesn't comply.

(3) 3860 Fourteen Mile Drive, Index No. 24 Lot 1152, APN 098-370-08. Details regarding the minutes in April 6, 2012 were presented for discussion. It was determined that the current fence has not been approved and if they owners would like to keep it they would need to come forward but they can also bring before the Board and appeal.

(4) 3831 Fort Donelson Drive, Index No. 111 Lot 2236, APN 098-080-44. Taylan. Per the engineer's report, Mr. Bryson provided photos to KSN that show Mr. Taylan has trimmed his trees and the engineer will not draft a letter regarding the District's violation letter dated April 11<sup>th</sup>.

(5) 3818 Fourteen Mile Drive, Index No. 31 Lot 404, APN 098-393-04. Plovnick. It was discovered that the retaining wall/fence and waterside deck were approved. KSN will draft a letter confirming this.

(6) 3802 Fourteen Mile Drive, Index No. 33 Lot 406, APN 098-393-06. As noted in the engineer's report, Joe Bryson did speak with Mrs. Notman and she could not locate the shutoff valve on the landside of the levee. Joe Bryson has not yet been able to follow up but will be doing so with Mr. Notman. This will be kept on the report until Mr. Bryson inspects the property.

(7) 3769 Hatchers Circle, Index No. 103, Lot 1994, APN 098-050-03. It was reported that the homeowners have complied and removed the old steps. They may seek a permit for new steps. A letter will be written saying they have complied.

- (d) Discussion and possible action regarding City of Stockton Storm Water Pumping Pipe Incident. Mr. Neudeck reported he did write an e-mail on June 6, 2016 after last meeting and also a follow-up on June 20, 2016 to Eric Johnson, supervisor of storm water stations for the City of Stockton (Exhibit G in the engineer's report). The easement deed for the Discharge pipes was also enclosed in the June 20<sup>th</sup> e-mail. Mr. Neudeck reported he has not heard from the City since sending the e-mails. He noted that the Pump is locked out. He noted the District needs to see plans and the encroachment permit. Trustee Meyer asked if the work should be done before the storm season. Mr. Neudeck said that would be November 1<sup>st</sup> but that there are exceptions. He noted that the way the City talked about it, it should have been the end of June or early July. In his next e-mail to them, he will confirm the status and state that the work needs to be done by November 1<sup>st</sup>. The District has to be prepared to tell them when they can do the work. Joe Bryson goes every day to check and make sure everything is okay.

- (e) Hyacinth Removal from Five Mile Slough. Follow up to special meeting. It was reported the District received the permit from the County this morning of the Meeting. The County Staff has been on strike so there have been delays.
- (f) FEMA Mapping Status. Mr. Neudeck reported that they are probably in last 30 to 45 days (the last of the summer). Everything looks relatively good with exception of north boundary of the District where levee drops down to golf course, the section between golf course and further east does not meet the base flood elevation for the Delta. If the control structure removed, water could come up and do some flooding. However, they are going to submit the report regardless. In some other areas, they don't have Kleinfelder's report. Other areas meet standards except for the golf course area but he thinks there will not be a problem.

**Item 5. Levee Superintendent Report.** Request for directions and approvals. Mr. Bryson went through the superintendent's report. Following are details about several of the items.

On item 10 Mr. Bryson said he needs a letter – there are kids fishing at Stone River Circle – four guys cut the lock. One was an adult who lived on 5 Mile Drive. Lot of people have PG&E keys. The guys broke the PG&E lock.

On item 18, the South East Levee, east side of I-5, there is a grassy area near the apartment at Fourteen Mile Slough – owned by San Joaquin County. The District has an easement. They mow up to the toe but not the slope. The previous owners mowed this area. Dan Schroeder sent a memo to Chris Neudeck about the research he did on this area. It's a triangle piece and the District obtained the easement rights. Mr. Bryson thinks the District could maintain this area. The County owns it and needs to maintain it but may not get to any time soon. It was noted that if there is heavy weed growth, they need to get Phil from Dickinson spray in there as it looks like it is turning into a jungle and could be fire problem. The owner is Doctor Hand's son. Mr. Neudeck knows him and next week he could give him a call. Joe will get the phone number and give him a call and tell them they can mow this area. The District will see what comes of it.

On item 2, letter regarding vegetation at toe of levee – Rasmussen 3188 Sea Gull Lane. Mr. Bryson showed a picture. He will visit one more time. He understands there are some problems with the owner's ability to keep the area clean. The District can do with a release of the permit so what will occur right now is that the owners will need to get the work done this week or they will be getting a letter from the District's attorney.

On Item 22, Bustamante looks like a jungle, Cabral, and Mayfield – worst levee lot. The District needs more control over these properties. The owners need to follow procedures. Show cause letters will go out and if they don't do the work, their permits will be withdrawn.

On Item 23, there are four dead trees on the levee. They are little trees. The homeowners can be sent letters. If they go after the roots, Joe Bryson has to be there. He doesn't think there will be big roots. There are 2-3 in northwest levee and 1-2 in northeast levee. Ask, are they permitted trees, Mr. Bryson said they have been there for 12-13 years. His directive was - In northeast, see

if they are permitted, if not, District can take down. In northwest, confirm if permitted, District can take down if not and if permitted homeowners can.

**Item 6. Report by Trustees on meetings attended and upcoming meetings.** Request for direction. No report.

**Item 7. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.**

- (a) Review and Update Sediment Removal Project Funding Options (July meeting). – add 5 year plan for sediment removal project funding.

**Item 8. Discussion and direction on Short-Term and Long-Range Goals.** Discussion. No additional discussion.

**Item 9. District Calendar.** Discussion and direction. No additional discussion.

**Item 10. Correspondence.** None.

**Item 11. Approval of Bills.** The bills as presented were approved.

**Item 12. Staff Reports.**

- (a) Attorney. The Agenda for this meeting was posted on the window outside the meeting room at 509 West Weber Avenue, Stockton, California, at least seventy-two (72) hours preceding the meeting.

**Item 13. Adjournment.** The meeting was adjourned at 9:35 a.m.

Respectfully submitted,

Jean L. Knight  
District Secretary