

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, NOVEMBER 7, 2018**

A Regular Meeting of the Board of Trustees of Reclamation District 1608 was called to order at 8:00 a.m. by President Panzer on November 7, 2018, at the law offices of Neumiller & Beardslee, 509 W Weber Avenue, 5th Floor, Stockton, California.

TRUSTEES PRESENT WERE:

MICHAEL PANZER
BRETT THOLBORN
DAN MacDONNELL

OTHERS PRESENT WERE:

DANIEL SCHROEDER
ANDY PINASCO
JACOB BEJARANO, Engineer with Kjeldsen, Sinnock & Neudeck
JEAN L. KNIGHT
JOE BRYSON
JUDITH BUETHE
DOMINICK GUILLI
DR. ARRENDONDO
CHRIS ELIAS – Executive Director - San Joaquin Area Flood Control Agency (SJAFCA)
BOB BENTZ (Arrived at 8:06 a.m.)

ABSENT WAS:

CHRIS NEUDECK

- 1. Public Comment.** Under Government Code Section 54954.3, members of the public may address the Board on any issue in the District's jurisdiction. The public may address any item on the agenda as it is taken up. Dominick Guilli presented some comments on the Lower San Joaquin Feasibility Study. He went over details of a document he distributed to the Trustees and staff. He discussed costs and said he felt it was imperative that the District get more information. He noted there will be a requested local cost share at some point. His feeling is that the gate could cost at least \$60,000,000. He is asking the District form a task force or hire an engineer to review this study and said there would also be a meeting on Thursday morning about the Feasibility Study.

Chris Elias, the new Executive Director for SJAFCA attended the RD1608 meeting to introduce himself and wanted to say thank you for the great job the District does for the community and also said he is delighted to be a part of it. He also said there was going to be a meeting with the Stockton City Counsel tomorrow and invited staff to attend. There will be a presentation on the Lower San Joaquin Feasibility Study. He noted there will need to be congressional authorization for the project and it will need to be an authorized project. He

noted that people do see value in protecting our levees. He would like to come back to the District and do a full blown presentation and discuss the various components and what is behind the federal funding potential. District staff will work with the arranging of a time Mr. Elias can come talk to the District at a future meeting. There were several discussion points that Mr. Guilli and Mr. Elias had that were in conflict and more discussion at a future meeting would be beneficial to all.

2. **Approval of Minutes.** Minutes of the regular meeting of October 3, 2018. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the regular meeting of October 3, 2018 be approved.

3. **Financial Report.** Review, discuss, and accept financial report. Secretary Knight presented the financial report. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the financial report, as presented, be approved.

4. **Engineer's Report.** Request for directions and approvals. Engineer Jacob Bejarano gave the engineer's report. The following actions were taken.

(a) Consider new permits requests from homeowners.

1. 4149 Fort Donaldson Drive, Index No 127, Lot 22200 APN 098-420-16, Owners Mr. Morgan and Mrs. Susan Mayfield – Seeks removal of vegetation and installation of gravel. Joe Bryson reported that the work has started and it is showing some progress. The District engineer will continue working with Mrs. Mayfield although the engineers report states that she has been stalling for 8 months. The District agreed to give the Mayfields one last chance to get the work done before a letter goes out from the District's counsel regarding non-compliance. This will go on the agenda for the next meeting.

2. 6669 & 6713 Embarcadero Dr, APN 098-400-16 & 098-130-22 Owner Embarcadero West Condominiums – Review status of application for existing stairs with railing and other encroachment features located on the landside slope of the District's Levee. Installation of stairwell railing. It was reported that the property management company has retained an engineer and the engineer has made contact with the District's engineer. It is a long standing stairway up/down the levee slope and the District is dealing with an entity instead of one owner, which makes this issue a little more time consuming.

3. 6201 Embarcadero Drive, Index No. 17, Lot 1159, APN 098-370-01 Owners Antonio & Lillian Arrendondo – Requests permit to construct an 11' x 9' rolling storage shed at the toe of the levee in the rear of their home. The engineers are not recommending approval of the proposed shed due to the extent of an encroachment in an area that needs to be free and clear of encroachments at the toe of the levee. After discussion, Mr. Arrendondo understood this was not going to be approved and asked how long he had to remove it. He was given several weeks.

- (b) Award Security Fence Contract to Sandoval Fence for Fence along Caltrans Right of Way at Fourteen Mile Slough and Highway 5. Item I. B. on the Engineer's Report states the item is a review of the Caltrans Permit for Metal Barrier Fence at 14 Mile Slough and Interstate 5 including awarding a security fence contract to Sandoval Fence for Fence along Caltrans Right of Way at Fourteen Mile Slough and Highway 5. This a new type of fencing that the District is hoping will help prevent trespassers from entering and staying in this area of the District. After review of the plans and permit,

It was moved, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Board authorize a \$25,000 Security Fence Contract to Sandoval Fence for Fence along Caltrans Right of Way at Fourteen Mile Slough and Highway 5.

- (c) Discussion and Direction regarding Sediment Removal Project. The engineers provided in Exhibit M a summary of work activities associated with the sediment removal project dated November 4, 2018. Engineer Bejarano reported that the engineers are still going back and forth with Mr. Huber at Grupe. Mr. Huber has been held up with some family obligations. They are about midway through and Mr. Bejarano also said he made some connections with the tenant directly (by Grupe permission) and they had a meeting Tuesday, November 6th and said they are in agreement with the location – discussing pipe alignments vs. farming operations. Once the alignment has been agreed upon, they will approach Mr. Huber with their findings and formally request access for biological review.

- (d) Emergency Plan Review. This will be done at the December meeting.

- (e) Approval of Agreement with San Joaquin County regarding Flood Fight Material Container. It was reported that San Joaquin County doesn't want to pre-fund money for Flood Fighting Stockpile. The issue is still pending with the County.

On the engineer's report were two further items discussed below.

Page 3 of 4 – US Army Corps of Engineers (USACE) Lower San Joaquin River Feasibility Study (LSJRF). At this point, Attorney Schroeder asked Mr. Bejarano if he would like Mr. Schroeder present this item and the response was “yes.”

Mr. Schroeder reported that he met with Chris Neudeck and the US Army Corps of Engineers regarding the Lower San Joaquin River Feasibility Study. He reported that about 8 years ago – it was the concept known as the Western Wall and would have a more regionalized solution. From Brookside across Wright Elmwood Tract and Fourteen Miles Slough and then they would put in some kind of structure that would hold water in during high tides in case of a surge and then go off to RD2115 and on to the Spanos Development. At that time, it was noted that it would be extremely expensive and whether it would be built and designed. Now, SJAFCA and the State have received money to help motivate from a wish list to a conceptual design phase. There are 9.6 million dollars involved that Corps of Engineers would provide a 65% cost share. The remaining monies, 35%, would be a local share of State, County, City and Reclamation Districts (RD). It is thought the state would provide 75%, then remaining costs would be the responsibility of the regional areas - SJAFCA, RD's, City of Stockton and the County. This was presented to introduce this as a concept.

Going south, there would be additional expenses to French Camp. During the meeting, it was discussed, where would the additional monies come from? As well as a whole host of other issues. Some say this is the solution. Is there political will of the people? Another issue is timing. RD1608's assessment expires in 2025. If the District would go to ask for some sort of an assessment going forward, what would the outcome be? One thing is pretty clear. SJAFCA is interested in going forward with the \$9.6 work and it doesn't commit anyone at this time. The voters would need to step in and provide part of the money.

It was stated that this is the direction we need to go if we want to use the money from the Corps of Engineers. There is nothing in front of us right now. Trustee Panzer stated - what is next logical step? One thing we are going to consider is going forward with the Study. SJAFCA is going to have a meeting tomorrow. Right now the money is for an initial design and at least they get a product for that but it doesn't commit any entities at this point.

At this time, Mr. Elias gave his position. If we don't show seriousness in going in with the Corps of Engineers, and don't get on board at this time, it will be very hard to get back on board. Mr. Schroeder said he will be attending the SJAFCA meeting on the 8th.

Engineer's Report second item on page 4 of 4:

FEMA Mapping Status;

- A. Review Progress of Eloma Application. It turns out that upon accessing the Eloma electronic application, a review of the online data requirements revealed that the electronic system will not accept (-) negative Base Flood Elevations (Lake Lincoln & North Lake BFE=-3.0)'. The system advised that a LOMA application or paper application be submitted in lieu of the Eloma. The only difference being the length of time to receive a determination (60 days LOMA vs. 2 weeks Eloma). FEMA advised that the District submit separate applications for each subdivision map rather than one application serving all properties surrounding the lakes. They reported that an

application template has been created for each subdivision. Mr. Bejarano said they are working their way through this and hope to have this submitted late this week.

5. **Levee Superintendent Report.** Request for directions and approvals. Mr. Bryson reported he had to get to 49 houses on the southwest levee to hand out letters and it ended up taking him 2.5 hours. The main question was: When is dredging going to happen? Mr. Bryson went over his levee superintendent's report and discussed items further as necessary.
6. **Subventions Agreement.** Adopt Resolution 2018-10 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019. Dan Schroder presented this item. It is something the District must do every year to continue being a part of the subventions program. There is one significant change that will take effect next year and that it that cost of the District's share will increase from \$1,000 a mile to \$2,500 a mile. Technically, the District will be receiving a little less money. After discussion,

It was moved, seconded (B. Tholborn D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Board Adopt Resolution 2018-10 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019.

7. **Five-Year Funding Agreement.** Adopt Resolution 2018-11 Approving and Authorizing Execution of Project Funding Agreement for Preparation of Five-Year Plan for Lincoln Village West, LV-18-1.0-SP. Jacob Bejarano presented this item and referred Trustees and staff to Exhibit D in the engineer's report. The project funding sets out that the District gets 100% cost share for reported costs up to \$50,000 and 75% cost share for reported costs from \$50,000 to \$100,000. Exhibit E also identifies the requirements for 5 year plans. After discussion,

It was moved, seconded (B. Tholborn D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Board Adopt Resolution 2018-11 Approving and Authorizing Execution of Project Funding Agreement for Preparation of Five-Year Plan for Lincoln Village West, LV-18-1.0-SP.

8. **Newsletter.** Discussion and direction. Judith Buethe was present to go over the draft newsletter. Several corrections were made and afterwards, it was agreed the newsletter is ready to be finalized. Ms. Buethe said the corrections could be made today and the final submitted to attorney Schroeder for approval. The newsletter is expected to go out within the next few days. Therefore,

It was moved, seconded (B. Tholborn D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Board approve the newsletter as corrected

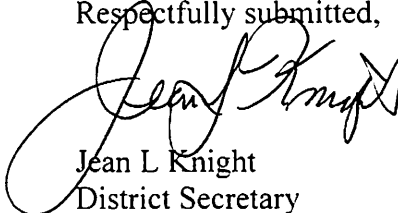
and upon final approval of the District Counsel, the newsletter will be produced and mailed out.

9. **Report by Trustees on meetings attended and upcoming meetings.** Request for direction. Dan MacDonnell attended the PreSeason Flood Meeting on October 24, 2018. He reported it was a good meeting and he personally did not realize there were so many entities involved. Mr. Schroeder also mentioned that the conservation corps plays a large role too. They have their facility by French Camp. They are told what to do and they do it.
10. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.**
No report.
11. **Discussion and direction on Short-Term and Long-Range Goals.** No report.
12. **District Calendar.** Discussion and direction. No report.
13. **Correspondence.** No correspondence.
14. **Approval of Bills.** The Bills to be Paid List for November, 2018 was presented and reviewed and,

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608, the Bills to be Paid List for November, 2018 as presented, was approved.

15. **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.
16. **Adjournment.** The meeting adjourned.

Respectfully submitted,



Jean L Knight
District Secretary