

MINUTES OF MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, NOVEMBER 2, 2020

The November Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, November 2, 2020, telephonically, at the hour of 2:00 p.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman, Trustee Ben Koch, Trustee Christian Gaines, Attorney Andy Pinasco, Superintendent Abel Palacio, Engineer Christopher Neudeck, and Secretary Rhonda Olmo

Absent were: Attorney Dan Schroeder

A list of individuals in attendance is outlined in the meeting sign-in sheet, which is attached to these minutes. – No attendance sheet attached – meeting was held telephonically.

Item 1. Call to Order/Roll Call. President Kauffman called the meeting to order at 2:00 p.m. Roll call was taken.

Item 2. Recognition of Trustee Koch.

Trustee Koch said during the time he has served that here have been several different Boards in which he has worked with but felt very comfortable with the current Board. He stated when he began serving, he wanted to stay a Board Member until the Wisconsin Pump Station/Smith Canal Project was finished. He said he is happy leaving knowing the projects have started. Trustee Gaines said he appreciated working with Trustee Koch and wished him well. President Kauffman said Trustee Koch has given 12 years of service to the District and has been a valuable supporter of the community and District. President Kauffman read to the Board what is engraved on the crystal plaque that will be presented to Trustee Koch after the meeting. Mr. Chris Neudeck, Mr. Dominick Gulli, Mr. Chris Elias, Attorney Pinasco (on behalf of Neumiller & Beardslee) all expressed their appreciation of Mr. Koch's service.

Item 3. Public Comment. *The public may comment on any matter within the District's jurisdiction that is not on the agenda. Matters on the agenda may be commented on by the public when the matter is taken up. All comments are limited to 5 minutes for general public comment and per agenda item in accordance with Resolution 2014-06.*

None.

Item 4. Approval of Minutes of October 5, 2020, meeting of the Board.

After review,

Mr. Dominick Gulli asked that all Minutes presented for approval from here on out be labeled "Draft". A change was also requested to amend Item 10. to read "No report was given."

Trustee Koch made a motion to approve the Minutes of the October 5, 2020 meeting as amended. Trustee Gaines seconded the motion.

Ayes: Koch, Gaines, Kauffman
Noes: None
Abstain: None

Absent: None

Item 5. Presentation of Financial Status Report. Discussion and Possible Action.

District Secretary, Rhonda Olmo, provided a written and oral report. She noted this month's report shows the District at 33.3% for the fiscal year. She reviewed the monthly bills with the Trustees. She also reviewed the District's election expenses to date. She noted that the District Superintendent's Payroll is not reflected on this month's report. Mrs. Olmo noted that the expense under G9 for office supplies was for Mr. Palacio's new tablet. Mr. Chris Neudeck noted that under G7A (General Assessment for Engineers) the amount shown should be all that is expended for the rest of the fiscal year.

After review,

Trustee Koch made a motion to approve the October Financial Report. Trustee Gaines seconded the motion.

Ayes: Gaines, Koch, Kauffman
Noes: None
Abstain: None
Absent: None

Item 6. Presentation of Engineer's Report. Discussion, direction, and possible action for the following items:

- a. Levee Encroachment Permits/Enforcement - NONE
 - i. Consider new permit requests from homeowners
 - ii. Consider Levee Encroachment Standard Violation Enforcement
- b. Rock Slope Protection Project
 - i. Discussion and Possible Action on California Department of Fish & Wildlife site specific Lake and Streambed Alteration Agreement – SEE BELOW
- c. Buena Vista Pump Station Abandoned Discharge Pipe Removal
 - i. Discussion and Possible Action to award contract to remove abandoned discharge pipe from the Buena Vista Pump Station at Levee Station 78+75 – SEE BELOW
- d. Wisconsin Pump Station Project Update
 - i. Discussion and Possible Action to approve Agreement Establishing Covenant Running with the Land for Central Valley Flood Protection Board Permit.

FROM ENGINEERS REPORT:

1. ROCK SLOPE PROTECTION PROJECT

- A. Review the proposed rock slope protection project between Levee Station 62+50 to 68+00.
- B. KSN is engaged with the City of Stockton, performed a site visit with City Staff to review sanitary pump station site and the special conditions that will be required of

the District to use site as access and lay down area. The City will require a right of entry agreement.

- C. N&B is confirming the level of insurance the District currently has based on what is going to be expected by City of Stockton in their right of entry agreement.
- D. Insurance requirements confirmation with City of Stockton and N&B and those that will be required of supply contractor.
- E. California Department of Fish & Wildlife (CDFW) site specific LSAA (submitted) — (needed in order to place rock on slope without breaks every 100 feet) CDFW has had application for approximately three weeks and now has said that may not be able to process LSAA in the time needed for construction. Two options here:
1. Go back to the RMA, leave gaps with extra material each side of gaps for placement later.
 2. Place on full slope length, no gaps, mitigate.
- F. The preliminary estimate for the project is:
- 1/4 ton-3-ton rock and 18" minus riprap \$55,000
KSN is out to bid for the 1/4 ton-3-ton rock and 18" minus riprap 1,060 tons of product. Bid opening is Monday, November 16, 2020 at 9:00 AM. **Seek Board of Trustees approval to call special meeting to award contract to lowest responsive responsible bidder in order to commence work as soon as possible.**
 - Slope Preparation, fence removal \$15,000 (force account)
 - Placement of Large Rock & Riprap \$25,000 (force account)
 - Miscellaneous clean up and haul off of debris \$10,000 (force account)
 - Contingency \$21,000 (20%)
 - Total Estimated Project Cost \$126,000
- G. Review the ultimate acquisition of levee easements from 1 private property owner of the apartments and the refinement of an existing levee easement from the City of Stockton along the historic Sewage Treatment Facility.
KSN is coordinating with COS MUD and the Apartment owners to seek the dedication and easement refinement.
- H. Review the City of Stockton's (COS) Request for Proposal to prepare plans and specifications for the removal and replacement of fencing along the pedestrian path. This is an indication that the COS is cooperatively working with RD 1614 to secure this area of the levee from further damage associated
EXHIBIT A: IMS data sheet publishing the COS RFP for fencing along the Smuth Canal and Bridge pedestrian path dated 10/28/2020

Mr. Chris Neudeck reported on the above. He said this project is a complicated one, but he is advancing forward. He has been meeting with the City attempting to obtain the right of access and entry permit to work the materials through the old City's Sanitary Pump Station Site (removal of their

fence). In addition, he is also working with the City on a dedication of a Levee Easement that currently exists on the site but is not dedicated to RD 1614. Mr. Neudeck stated Attorney Pinasco is working with the City on the insurance requirements. Mr. Neudeck is also working with the Dept. of Fish & Wildlife for a streambed alteration permit. As for the riprap project, this was not able to go out to bid – the bid opening is now set for November 16, 2020, at 9:00 a.m. Mr. Neudeck is asking for a Special Board Meeting to be called soon for that purpose to award the lowest responsive responsible bidder. Attorney Pinasco will be reaching out before the December meeting to call the Special Meeting.

Regarding Item H above, the City of Stockton currently has a Request for Proposals out to prepare plans and specifications for the removal and replacement of the fencing along the pedestrian path.

II. BUENA VISTA PUMP STATION ABANDONED DISCHARGE PIPE REMOVAL

- A. Review plan to remove abandoned discharge pipe and seek the Board of Trustees approval to award contract to Dino & Son to removes said pipe.

EXHIBIT B: Overview of Discharge Pipe Project.

Mr. Chris Neudeck reported on the abandoned discharge pipe at the Gardena Pump Station. In Exhibit B are photos of the pipeline that runs through the private property, along with a synopsis of what he intends on doing. He will have a salvage company come in together with someone who can cut the pipe. They will salvage the pipe onto a barge and the barge will then move it over to the launch ramp at Dad’s Point. From there, the pipe will be cut up and disposed of. The cost to do this work is \$4,380. Mr. Neudeck requested authority from the Board to award the contract to Dino & Sons to remove said pipe. Discussion and comments were heard.

After review,

Trustee Koch made a motion to award the contract to Dino & Sons with President Kauffman to sign said contract. Trustee Gaines seconded the motion.

Ayes: Koch, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

III. WISCONSIN PUMP STATION NO. 7

- A. Civil:
Civil plans are substantially complete (90%). We have received CVFPB/USACE comments and will be incorporating comments into plans. Specifications will be prepared.
- B. Structural:
Structural plans are substantially complete (90%). Plans will now be finalized.
- C. Electrical:

PG&E provided us with the design and a draft contract earlier this month. We are currently reviewing the various payment options and expect to provide a recommendation to the RD 1614 Board next month.

D. Environmental:
Done.

E. Permitting:
CVFPB permit application was approved at the 9/25/2020 CVFPB Board Meeting. We received a signed copy of the permit on 10/22/2020.

CDFW (1602): We received the latest updated 1602 from CDFW on 7/8/2020. They incorporated all of our comments, and the agreement was signed by RD 1614 and returned to CDFW on 7/9/2020. We are reaching out to CDFW to receive a fully executed copy.

RWQCB (401) permit is completed.

USACE (404) has determined that our project is authorized by Nationwide Permit No. 7.

F. The permitting for this project is completed and we are working towards finalizing the plans and specs and have it ready to bid next summer for a scheduled construction start date of 8/1/2021. PG&E has continued to generally be nonresponsive, but we are making progress with them.

Mr. Chris Neudeck reported. This item is scheduled for construction in August 2021 (out to bid March/April 2021). This is the requirement for the Letter of Map Revision once the Gate is completed. The interior drainage analysis demonstrated the Wisconsin Pump Station did not meet the 100-year requirements in evacuating a 100-year rainfall event. Today's update is regarding the electrical. PG&E continues to be a challenge. It is difficult to reach them. Mr. Neudeck stated he is in the process of reviewing how to make payment. There are several payment options as to how to pay for service on a project that may not be utilized (back up capacity pumps). Mr. Neudeck said the total capacity will not be utilized unless there is a 100-year high rain fall event. The pumps will be utilized throughout the season, but collectively they won't be using the capacity that is being requested from a demand perspective. PG&E recognizes this. PG&E is concerned they won't get back the money for the increase in capacity of their transformers. PG&E has given Mr. Neudeck several different options to make payment. His office is currently evaluating and will present to Counsel to review. Upon completion of review this will be presented to the Board. Discussion was held. Mr. Gulli recommended going out to bid earlier.

- a. Wisconsin Pump Station Project Update
 - ii. Discussion and Possible Action to approve Agreement Establishing Covenant Running with the Land for Central Valley Flood Protection Board Permit.

Attorney Pinasco stated as one of the conditions of the permit there was a covenant that runs with the land. Attorney Pinasco said the issue is the indemnity on it is broad regarding the claims and cost from damages from flood river or reservoir operation. Attorney Pinasco wants to reach out to Central Valley Flood Protection Board to see what exactly they mean and if this is negotiable.

After review,

Trustee Koch made a motion to approve subject to Legal Counsel and District Engineer working with the Central Valley Flood Protection Board regarding Attorney Pinasco's concern. If concerns are addressed, this item is approved, if not this will be brought back to a future meeting. Trustee Gaines seconded the motion.

Ayes: Koch, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

Item 7. Presentation of Superintendent's Report; request for direction.

a. Discussion and Possible Action regarding RACO Alarm Service Agreement

Mr. Abel Palacio provided an oral and written report. In summary he reported:

- Completed sump cleaning. Stated there was a lot of debris.
- Working on Confined Space Policy. Precautions are being used prior to entry, and new signs have been ordered. Mr. Palacio has begun to install them.
- Wisconsin Pump Station was only station of concern this month. Loose boards and floating lumber were found. On the west side of the station the inlet has no access. Mr. Palacio indicated there is a grating at the top of that inlet that could have a door cut into it so workers can access it for debris removal and repair of the trash rack on that side. Most of the loose debris was removed during inspection.
- Failure of the air compressor at Plymouth and River Road. The Raco Alarm Remote Terminal Unit (RTU) failed. Mr. Palacio was able to make repairs to the level control and he ordered new parts for the Raco Alarm RTU.
- Mr. Palacio would like to modify the contract with Rayo Alarm and Engineering. He would like to go to a two-year contract instead of a one year. He would like to increase the contract to include "real time" data of the analog values (wet well levels). He has been evaluating this feature for free for a few weeks at one station. He feels this feature will be very useful. He has authorized the increase of level of service for the remainder of our contract (due February of each year) a cost of \$279 at all the pump stations. This will allow him to fully evaluate the increased level of service. Mr. Palacio stated he has also added another input to a couple of the pump stations. This will allow him to see when the pumps are running or failed. Combining the wet well level in real time and pump run/fail status will give him accurate information of the whole system through the District's laptop or smartphone interface. The cost of the two-year contract is \$8,727 as opposed to our yearly contract of \$7,920.
- Due to Mr. Palacio's workload this month, no levee inspection was performed. He did a drive by on Shimazu and various locations on the North side bank – no issues found. He will make a water side inspection early this month.

Discussion was held regarding the Rayo Alarm Contract. After review,

Trustee Koch made a motion to approve the two-year Rayco Alarm Service Contract as recommended by District Superintendent, Abel Palacio. Trustee Gaines seconded the motion.

Ayes: Koch, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

Item 8. District Newsletter.

Attorney Pinasco introduced Arial Armanino, Creative Community Manager/Copywriter, from Port City Marketing Solutions. Ms. Armanino provided a background on her expertise. Discussion was held as to potential items to include in the next Newsletter. Ideas mentioned:

- Picture of Ben Koch and mention of his retirement/tenure.
- Introduction of Districts new Trustee.
- COVID – Board of Trustee’s update.
- Update on successes/progress the District has had this year (permit received for Wisconsin Pump Station from the regulatory agencies).
- Seeping’s along the waterway at the Golf Course (pictures).
- Smith Canal Project.
- Placement and purchase of Flood Fight Container and Supplies (pictures).
- Rock Slope Protection Project.

Arial Armanino will provide a draft Newsletter for the Trustee’s to review by the next Board meeting.

Item 9. Report on Meetings Attended. Attorney Pinasco stated he and Chris Neudeck attended the annual Pre-Season Flood meeting. A tabletop discussion was held, as well as projections on the weather. Mr. Neudeck said they also discussed the COVID response element with the SJ County Office of Emergency Services. Discussion was held. Mr. Gulli recommended finding out who the person is that is responsible for monitoring and driving the Calaveras River levee that protects this District as well. He would like to know who this person is, which department they work in, and that the District can inspect those levees and has any keys if needed. Mr. Neudeck said Jim Stone (Deputy Director of Operations of SJ County Pulic Works) and Eric Ambriz (Channel Maintenance Superintendent – SJ County Public Works) would be his contacts. Mr. Neudeck with work with Mr. Palacio to contact Mr. Stone.

Item 10. District Calendar.

- a. Next Meeting is December 7, 2020.

Item 11. Items for future meetings. New Trustee, follow-up on reimbursement costs, election officers.

Item 12. Correspondence. Included in Agenda packet.

Item 13. Motion to Approve of Bills.

Trustee Koch made a motion to approve the bills for the month of October 2020. Trustee Gaines seconded the motion.

Ayes: Koch, Gaines, Kauffman
Noes: None
Abstain: None
Absent: None

3:29 p.m. – Attorney Pinasco reported the Board is going into Closed Session regarding Item 14 (a).

Item 14. Closed Session.

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: one case.

Item 15. Report on Closed Session. The Trustees have reconvened out of Closed Session at 3:51 p.m. regarding action item 14 (a). All Trustees were present during the entirety of the Closed Session. There is no reportable action.

Item 16. SJAFCA Smith Canal Project Progress Report. No oral report.

Item 17. Adjournment. The meeting adjourned at 3:51 p.m.

Secretary: The agenda for this meeting was posted at 3121 West March Lane, Suite 100, Stockton, California at least 72 hours preceding the meeting.

Respectfully submitted,

Rhonda L. Olmo
District Secretary