

MINUTES OF SPECIAL MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1614  
HELD MONDAY, SEPTEMBER 14, 2020

The September Special Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, September 14, 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, Secretary Rhonda Olmo

Absent were: Attorney Daniel J. 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. 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 3. Approval of Minutes of the July 6, 2020, and August 3, 2020 meetings.**

District Secretary, Rhonda Olmo, mentioned there are two typos' in the August 3, 2020 minutes. Page 5, Item 9, lines 4 and 5 show "copper" dam. The correct spelling should be "coffer" dam.

After review,

Trustee Koch made a motion to approve the Minutes of the July 6, 2020, and August 3, 2020 meetings with the changes noted above. Trustee Gaines seconded the motion.

Ayes: Kauffman, Gaines, Koch

Noes: None

Abstain: None

Absent: None

**Item 4. 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 16.67% for the fiscal year. She reviewed the monthly bills with the Trustees. She also reviewed the District's election expenses to date, office supplies entry (renewal of P.O. Box and Yearly Visa Renewal Fee), and the entry for the California Central Valley Flood Control Association Dues.

After review,

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

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

**Item 5. Presentation by San Joaquin Delta Neighborhood Watch regarding encampments on the Smith Canal.**

Attorney Andy Pinasco introduced Ms. Tracie Graves. Ms. Graves stated that she started San Joaquin Delta Neighborhood Watch three years ago to address crime, safety, and environmental issues along the Delta. She said this is one of the only groups out there that are cleaning trash out of the waterways. Last year's coastal cleanup project was Smith Canal, along with creating a team with the City of Stockton. She stated they cleaned 32 tons of garbage, pulled over 300 grocery carts out of the Smith Canal, and removed approximately three boats. Ms. Graves said that as of August 8, 2020 the encampments on city property have been removed. She stated that last June she met with the City Manager (Harry Black) and provided him with factual documentation including water sampling she did with the California Water Board regarding E. coli on 14 different sites throughout the Delta. Last year Ms. Graves also approached the City of Stockton about upgrading the fencing on the pedestrian bridge (currently with a structural engineer for approval on the proposed material) and installing fencing what's like at the water plant adjacent on the Fontana side. Ms. Graves reported that both projects have been approved. Stockton PD and City of Stockton have made the commitment to hold the line on Smith Canal. Ms. Graves is hoping to discuss the possibility of doing some tree trimming and some type of larger riprap on the Fontana side to deter the vagrants. Public Works is looking into putting up no parking signs. Ms. Graves said that she has built a great team with the City of Stockton, City Manager, City Council, Board of Supervisors, and Sherriff.

President Kauffman thanked Ms. Graves for the presentation. Mr. Chris Neudeck stated he will make a presentation later in his report today on the placement of riprap and restoration of rock slope protection in that area. He said the statistics Ms. Graves cited in her report include more than just the area west of the pedestrian bridge on the North bank of Smith Canal. Ms. Graves said that she is referring to both sides of the Smith Canal. Mr. Neudeck stated that RD1614 has jurisdiction on the North side of Smith Canal. He also said vehicular access is not applicable to the North Bank. Mr. Neudeck stated that he appreciates Ms. Graves efforts.

Further discussion was held on jurisdiction. Mr. Dominick Gulli commended Ms. Graves for her efforts and thanked Mr. Neudeck for putting this on today's agenda. Ms. Graves asked that whomever is going to be leading this to work in conjunction with Jodi Almassy (Director Public Works of City of Stockton).

Attorney Pinasco said he would be happy to add Ms. Graves to RD1614's email distribution list.

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

- a. Approve Rock Slope Protection Project at Smith Canal West Side of Interstate 5 between Levee Station 62+50 to 68+00
- b. Wisconsin Pump Station Project Update
- c. Delta Grant II – Proposed Storage Container and Flood Fight Supplies

**FROM ENGINEERS REPORT:**

**I. ROCK SLOPE PROTECTION PROJECT -** (*EXHIBIT A: Site Map of proposed area for Rock Slope Repairs. EXHIBIT B: Site Photos of area for proposed Rock Slope Repairs – included in Engineer’s Report.*)

A. Review the proposed rock slope protection project between Levee Station 62+50 to 68+00. Seek the authorization of the Board of Trustees to seek Bids for materials and authorize the use of District forces and rental of equipment to place the rock slope protection along this reach. This reach of levee has been occupied by numerous homeless encampments and recently cleared. KSN Inc. is recommending taking this opportunity to repair the displaced rock slope protection and placing large tonnage rocks in the area of the encampments to prevent further re-occupation. The preliminary estimate for the project is:

• ¼ ton-3-ton rock and 18” minus riprap	\$75,000 (to be bid)
• 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	<u>\$25,000 (20%)</u>
<b>TOTAL</b>	<b>\$150,000</b>

Mr. Chris Neudeck reported. He stated because of this unique opportunity, he recommends the District move forward quickly in the timeframe that has been allotted the District given Ms. Graves and the City’s work to restore that levee section back to a functional levee section (clarifying it’s the damage substantially due to the homeless activity in there). Mr. Neudeck is seeking the Board’s authority to allow him to proceed with a bid on the material and the hiring of the personnel on the District’s force account, equipment labor, and other labor. This is not prevailing wage rate labor; this is substantially less at least by 50%). Mr. Neudeck reviewed the preliminary estimates above. He said this is the least expensive and most expeditious means by which he can undertake this work. Ms. Graves stated the fence that she got approval for from the City is going to be on the River side of the pedestrian bridge. Mr. Neudeck said to make sure this work is not done until he gets the permission for the placement of the rock. Lengthly discussion was held.

After review,

Trustee Koch made a motion to direct Mr. Neudeck to put this project out to bid and to have the District’s President sign any agreement/award that may come in. Trustee Gaines seconded the motion.

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

- B. 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.

Mr. Neudeck reported he will be acquiring levee easements from the private property owner on the West end (apartment complex) and the other is a refinement of an existing levee easement with the City of Stockton (along the historic sewage treatment facility). There is a dedication to a levee easement currently, but Mr. Neudeck said the language is a little unclear and he wants to refine it. In doing so, he said he is going to have them grant his typical levee easement as he made throughout his acquisition process to clarify it. He said right now it appears he has the ability, but he does not want to rely upon it because it is not abundantly clear in the language. The title says "Levee Easement" but in the dedication it is unclear as to its purpose. The dedication is not for RD 1614 but rather for the general public. He wants to get something that is dedicated to RD 1614 so the District can maintain the rock in the future. Discussion was held.

## II. WISCONSIN PUMP STATION NO. 7

- A. Civil:

Civil plans are substantially complete (90%). We are now awaiting further CVFPB/USACE comments.

- B. Structural:

Structural plans are substantially complete (90%).

- C. Electrical:

PG&E called and left a voice mail on 7/17/2020 to indicate that their design has been completed and that they are ready to accept payment from the District. Since that time, numerous phone calls and emails to PG&E to discuss the process moving forward have gone unanswered until today. We finally received a response today with a copy of the design, but we're still waiting for pricing.

- D. Environmental: Done.

- E. Permitting:

CVFPB permit application review by USACE has been completed. CVFPB staff report is currently being circulated for review, and we anticipate the permit application going before CVFPB at its meeting later this month.

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 and returned 7/9/2020. We are awaiting the fully executed agreement back from CDFW.

RWQCB (401) permit is completed.

USACE (404) permit is being processed. Informal consultations are complete with USFWS and NMFS. CVFPB/408 has to be complete before 404 is finalized.

- F. We are very close to having all of our permitting completed at which time we will finalize 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 be extremely nonresponsive, and we will need to continue to monitor closely.

Mr. Neudeck reported that things are pretty much status quo which he said is not a good sign. He said as he moves through this, the plans and the status of the electrical, etc. are pretty much not moving along very well. He did receive a phone call from PG&E where they indicated that their design has been completed but they would not give Mr. Neudeck a cost of the design at this time. He mentioned he did receive a concurrent from the Corps of Engineers for their review of the permit. He is looking forward to having this permit completed. Once completed, and he gets the PG&E review completed, he stated he can put this project out to bid for an August 2021 start date. No discussion was held.

**III. DELTA GRANT II — PROPOSED STORAGE CONTAINER AND FLOOD FIGHT SUPPLIES** – *(EXHIBIT C: Photos of Storage container and the initial stocking of the flood fight supplies – included in Engineer’s Report.)*

- A. Review status of Storage Container and Abel’s efforts to fill the container with Flood Fight Supplies.

Mr. Neudeck stated Mr. Palacio has progressively been putting forth the effort to get the storage container filled. He reviewed his exhibits showing the materials purchased and placed in the container to date. He anticipates the container should be fully stocked by this time next month. Discussion was held.

**IV. FALLEN TREE POLICY INTO SMITH CANAL.**

- A. Review proposed policy for fallen trees in Smith Canal. District Attorney will distribute DRAFT Policy.

Mr. Neudeck stated he will let Mr. Pinasco speak to this under Item 7.

**Item 7. Adopt Resolution 2020-04 Establishing Fallen Tree Removal Policy.**

There was discussion regarding the terms of the Tree Policy. No action was taken. Tabled for the October meeting.

**Item 8. Presentation of Superintendent’s Report; request for direction and possible action.**

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

1. Holt Repair has been contacted to come in sometime in October to come in and clean up the buildup of debris in the stations.
2. Mr. Palacio is drafting the Confined Space Policy and Procedure.

3. Mr. Palacio is doing a trial upgrade of the level control systems from a pneumatic control to a submersible transmitter or ultrasound level system. He has purchased a submersible transmitter and will begin modification to Station #8 (Kirk) sometime this month.
4. Mr. Palacio has purchased and stored the larger ticket items needed for the Flood Fighting Supply Container. He will continue purchasing the smaller items needed.
  - a. Authorize District Staff to Repair Rodent Damage as Identified in August 26, 2020 Waterside Inspection Report.

Mr. Palacio reported. He stated there continues to be no changes to the current situation on the District's Levee. He reported on a large potential rodent den created by a rotted, hollowed-out tree that may soon fall into the channel and leaving a hole in the slope where the root structure is (1742 W. Tuxedo Ave.). He recommended that some investigation be done to either collapse the tree or fill-in the hole. Mr. Neudeck agreed with Mr. Palacio's recommendation.

After review,

Trustee Koch made a motion to direct Mr. Palacio to do some investigative work of the hollowed-out tree located at 1742 W. Tuxedo Ave. Trustee Gaines seconded the motion.

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

**Item 9. 2020 District General Election. Discussion, action, approval, and direction regarding the 2020 District General Election.**

- a. Approve and Submit Nominations for Trustee to San Joaquin County Board of Supervisors for Appointment.

Trustee Ben Koch announced he is resigning. President Kauffman thanked him for his service.

Attorney Pinasco reported that the Nomination Petitions were due by September 11, 2020 by 5:00 p.m. Because two Trustee positions are open, and the District did not receive more Petitions than there are seats available there will be no election. Two Nomination Petitions were received and vetted. One Petition received by Mr. Dominck Gulli (represented by Mr. Dennis Hicks) was complete. The other Petition received by President Kauffman was incomplete and not a proper nomination. President Kauffman stated he would be honored to continue to serve on the Board. After further discussion, Trustee Koch and Trustee Gaines both nominated President Kauffman to be submitted to the San Joaquin Board of Supervisors for appointment to the office of Trustee.

Public Comment was heard. Mr. Gulli thanked Trustee Koch for his years of service and stated he looks forward to being on the Board.

After review,

Trustee Koch made a motion to submit Kevin Kauffman as the second nominee for the Board of Supervisors to consider. Trustee Gaines seconded the motion.

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

Nominations will be sent to the Board of Supervisors who will make the appointments for the District as directed by the Water Code.

*In order to avoid any potential conflict of interest with his contract with SJAFCA, Mr. Neudeck left the meeting at 3:33 p.m.*

**Item 10. Discussion and Possible Action regarding third party review of information received by the District related to the San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.**

President Kauffman reported that the Consultant, Mr. Bill Croyle, no longer wishes to pursue this. President Kauffman made a recommendation to cancel his contract. Public comment was heard.

After review,

Trustee Koch made a motion to terminate Mr. Croyle's contract. Trustee Gaines seconded the motion.

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

**Item 11. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project**

Mr. Chris Elias reported. He congratulated Trustee Koch for his many years of service and retirement from the Board. He stated that the coffer dam construction is now complete. He said SJAFCA has also completed the seepage cutoff wall within the coffer dam. With respect to construction impact, Mr. Elias stated that SJAFCA received a telephone call from one of the neighbors and they are currently working closely with the family to address their noise concern. Mr. Elias said last month the Central Valley Flood Protection Board received the presentation from staff on the lower San Joaquin River Project Partnership Agreement. The Agreement is the next step after Congress authorized the project and then gives some money for the lower San Joaquin River focusing on the Delta front at this time. Last month the Central Valley Flood Protection Board began its briefing on the Partnership Agreement.

President Kauffman stated that he understood that an offer was going to be made from SJAFCA to the Stockton Golf & Country Club for the easement and asked if it was on schedule. Mr. Elias said he does not have an update at this time.

Mr. Dominick Gulli thanked Mr. Elias for his report. He stated he drives by the construction site often and sees many days where the rig is not doing much of anything. He questioned when the pipe piles would be installed and the impact of a possible delay to the project. Mr. Elias said the pipe piles will be installed this year. Mr. Gulli commented on the lower San Joaquin River Feasibility Study.

**Item 12. Report on Meetings Attended.** None.

**Item 13. District Calendar.**

- a. Next Meeting October 5, 2020.

**Item 14. Items for future meetings.** Review of Encroachment Permit with Randy Pearson. Future Bi-Annual Town Hall meeting.

**Item 15. Correspondence.** Correspondence was received today from the Dept. of Water Resources indicating their approval to the District's 2020-2021 Subventions request (maximum reimbursement \$218,625).

**Item 16. Motion to Approve of Bills.**

Trustee Koch made a motion to approve the bills for the month of August 2020 with the warrants to be signed by President Kauffman and Attorney Schroeder. Trustee Gaines seconded the motion.

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

**Item 17. Adjournment.** Trustee Koch made a motion to adjourn the meeting at 3:51 p.m. Trustee Gaines seconded the motion.

Secretary: The agenda for this special meeting was posted at 3121 West March Lane, Suite 100, Stockton, California at least 24 hours preceding the meeting.

Respectfully submitted,

Rhonda L. Olmo  
District Secretary