

**Minutes**

The San Joaquin River Conservancy Governing Board  
**Wednesday, October 21, 2015**

**Meeting Location:**  
Fresno Metropolitan Flood Control District Board Room  
5469 E. Olive Avenue, Fresno, CA 93727

**and via phone conference:**  
California Natural Resources Agency  
1416 Ninth Street, Ste. 1311  
Sacramento, CA 95814

and  
Department of Finance  
State Capitol, Room 1145  
Acorn Conference Room  
Sacramento, CA 95814

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Fresno, California 93727  
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**GOVERNING BOARD**

Steve Brandau, Chairperson  
*Councilmember, City of Fresno*

Andreas Borgeas, Vice-Chairperson  
*Fresno County Board of Supervisors*

Brett Frazier  
*Madera County Board of Supervisors*

Derek Robinson  
*Councilmember, City of Madera*

Barbara Goodwin, *Director*  
*Fresno Metropolitan Flood Control District*

Carl Janzen, *Director*  
*Madera Irrigation District*

Jeffrey Single, *Sr. Policy Advisor*  
*Department of Fish and Wildlife*

Kent Gresham, *Sector Superintendent*  
*Department of Parks & Recreation*

John Donnelly, *Executive Director*  
*Wildlife Conservation Board*

Patrick Kemp, *Assistant Secretary*  
*Natural Resources Agency*

Michael McKown, *Designee*  
*State Lands Commission*

Eraina Ortega, *Chief Deputy Director*  
*Department of Finance*

Bryn Forhan  
Paul Gibson  
Vacant  
*Citizen Representatives*

**MEETING AGENDA**

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Chairperson Brandau called the meeting to order at 10:06 a.m. and led the pledge of allegiance.

**A. ROLL CALL**

Name	Present	Telecon- ference	Absent	Late
<b>Mr. Steve Brandau, Chair</b>	X			
<b>Mr. Andreas Borgeas</b>	X			
<b>Mr. Brett Frazier</b>	X			
<b>Mr. Derek Robinson</b>	X			
<b>Ms. Barbara Goodwin</b>	X			
<b>Mr. Carl Janzen</b>	X			
<b>Dr. Jeff Single</b>	X			
<b>Mr. Kent Gresham</b>			X	
<b>Mr. John Donnelly</b>		X		
<b>Mr. Patrick Kemp</b>			X	
<b>Mr. Michael McKown</b>		X		
<b>Ms. Karen Finn</b>			X	
<b>Ms. Bryn Forhan</b>	X			
<b>Mr. Paul Gibson</b>	X			

Ms. Harris confirmed that a quorum was present.

Melinda S. Marks  
*Executive Officer*

Legal Counsel Present: Michael Crow, Deputy Attorney General

Staff Present: Melinda Marks, Executive Officer  
Joshua Morgan, Associate Governmental Program Analyst  
Rebecca Harris, Staff Services Analyst  
Heidi West, Program Manager, San Joaquin River Conservancy  
Projects, Wildlife Conservation Board (via teleconference)

**B. PUBLIC COMMENT & BUSINESS FROM THE FLOOR**

The first ten minutes of the meeting are reserved for members of the public who wish to address the Conservancy Board on items of interest that are within the subject matter jurisdiction of the Conservancy. Speakers shall be limited to three minutes. The Board is prohibited by law from taking any action on matters discussed that are not on the agenda; no adverse conclusions should be drawn if the Board does not respond to the public comment at this time.

None.

**C. ADDITIONS TO THE AGENDA**

No Board action is required if the Agenda remains as posted. With two-thirds vote in favor, items identified after preparation of the agenda for which there is a need to take immediate action may be added to the agenda for consideration. (Gov. Code § 54954.2(b)(2))

None.

**D. POTENTIAL CONFLICTS OF INTEREST**

Any Board member who has a potential conflict of interest may now identify the item and recuse themselves from discussion and voting on the matter. (FPPC §97105)

None.

**E. MINUTES**

E-1 Approve Minutes of August 19, 2015 (carried over from the cancelled September 2015 meeting)

**It was moved by Mr. Janzen and seconded by Mr. Gibson to approve the minutes of August 19, 2015, as presented. The voting members unanimously passed the motion. Ms. Forhan abstained, as she was not present during the August meeting.**

**ROLL CALL VOTE:**

Name	Yes	No	Abstain
Mr. Steve Brandau	X		
Mr. Andreas Borgeas	X		
Mr. Brett Frazier	X		
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. John Donnelly	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan			X

Mr. Paul Gibson	X		
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**F. CONSENT CALENDAR**

All items listed below will be approved in one motion unless removed from the Consent Calendar for discussion:

None.

**G. DISCUSSION**

- G-1 Receive Presentation from County of Fresno on the Draft Friant Corridor Land Use Feasibility Study; Provide Opportunity for Board Members' and Public Comments; and Consider Developing and Approving Formal Board Comments (carried over from the cancelled September 2015 meeting)

Staff Recommendation: This report and presentation by the County of Fresno Public Works and Planning Department of the draft Friant Corridor Land Use Feasibility Study is for informational purposes. The Conservancy will forward meeting notes communicating the Board members' and the public's comments to the County of Fresno. The comments will be provided by County staff to the Fresno County Planning Commission and Board of Supervisors along with the other comments received during the review period. As discussed at the August 19, 2015, meeting, the Board may consider developing, and passing a motion to approve, formal comments to be conveyed to the County.

Mr. William Kettler, Division Manager of the Development Service Division of Fresno County Department of Public works and Planning, made introductory comments. He noted that the Friant Corridor Land Use Feasibility Study was funded by private donations, which total \$120,000, but was managed and directed by the County. Over 5,000 acres were studied and only 301 acres were determined to be within opportunity areas. The County and its consultant identified four opportunity sites, with two of the sites bisected by Friant Road. Each of the sites provides opportunities for potential land use changes based on the consultant's and County staff's professional opinions. The study provides an inventory of various natural and manmade factors in the corridor that could constrain or provide opportunities or incentives for future development.

In response to questions from Mr. Borgeas, Mr. Kettler confirmed that any proposed land use changes would require further review pursuant to the California Environmental Quality Act, and confirmed that the current Fresno County General plan update process and Environmental Impact Report (EIR) is independent of any outcomes of the Friant Corridor Land Use Feasibility Study.

Mr. Chris Motta, Principal Planner of the Development Service Division, summarized the study: In May 2013, the Fresno County Board of Supervisors authorized County planning staff to initiate the Friant Corridor Land Use Feasibility Study. The purpose of the study is to identify and assess potential opportunities and constraints for possible land use changes relating to: recreation, resource and cultural awareness and conservation, tourism, and supportive commercial development. The possible development opportunity sites are relatively free of environmental constraints and could be developed with one or more of the target land uses.

**Board Comments and Questions:**

Mr. Janzen noted that the County has made no considerations of potential land use changes east of Friant Road other than two opportunity sites. He remarked that there will most certainly be changes in land use in the area over time.

Mr. Gibson stated that the study's Section 2.10 Transportation does not discuss the Parkway multi-purpose trail. This planned trail should be the centerpiece of land use planning in this area, and will be a significant alternative transportation artery. This study is missing the opportunity to highlight the multi-purpose trail that could connect Lost Lake Park to Woodward Park for recreation and commuting.

Mr. Borgeas expressed the concern of his constituents that this study is laying groundwork for land use decisions and eventual development. He asked the members of Board to express in a formal comment reservations about land use changes and development, and to encourage future more detailed planning for the area.

Mr. Robinson made a comment that the County should consider tourism development, and include features that will draw tourism within the Parkway.

Mr. Brandau noted that the Conservancy Board is hesitant about development in the river influence area. Land uses in the corridor should protect natural resources. He asked County staff to explain how this study relates to more typical planning efforts such as a General Plan, and asked about the impetus for the study. County staff described the direction provided by the County Board of Supervisors.

Ms. Forhan expressed confusion about the intent of the study. She questioned whether the Board intended to develop formal comments at the meeting. Planning in the area should be consistent with and advance the Parkway Master Plan.

Ms. Goodwin concurred with Ms. Forhan about the confusion presented by the study. On page 1.1, it states the purpose of this study was to identify opportunities and constraints to determine appropriate land use designations. It is difficult to draw any conclusions from this study; it is not clear what direction it is heading.

Mr. Frazier concurred with Ms. Goodwin and stated that it seems to be a study in search of a question.

Mr. Gibson requested the County to include the planned Parkway multi-use trail in the planning maps for the area.

Mr. Borgeas suggested the Board take the position that they would not support further study of the Friant Corridor per se, but that any further study would be rolled into more comprehensive planning, such as the General Plan update and EIR.

Ms. Goodwin asked if the County had made this presentation to those private investors who funded the study. County staff responded that all interested parties were invited to attend public workshops; no special meetings were held with the funders.

#### Public Comments:

Mr. Radley Reep, resident of Fresno, thanked the Board for having this item on their agenda. He agreed that the study, and how it would be used for County planning decisions, were confusing; however, this study is the initial step in another formal planning and development process that will take place later. The study states that it is an outgrowth of the General Plan review process; in some way, it will become part of the General Plan. He recommended the Conservancy get more involved in planning for areas outside the Parkway planning boundaries. Since the Parkway is the largest use in the study area, the County should have consulted with the Conservancy. The Board should tell the

County that their study does not represent the Conservancy's hopes, policies, and goals for the Parkway.

Ms. Mary Savala, resident of Fresno, and past board member of the San Joaquin River Parkway and Conservation Trust and the Conservancy, stated that the Conservancy Board's comments should have been solicited a year ago for this study. This study does not adequately review water resources. The study is not adequate for decision-making. She stated that the County has been for the last several years sending signals that they intend to get into urban development. The Conservancy has the responsibility for operations and management of this resource. The Board should insist that the Conservancy participate in land use planning in the area. Ms. Savala expressed her dissatisfaction with the study process.

Dr. Robert Merrill, resident of Fresno, stated that there is a great deal of confusion about this study. He noted that water resources were not addressed in this study. Water resources are a serious matter in this area, including ground water, surface water, and flooding. Transportation and air quality were not adequately addressed. He wondered why the multi-purpose trail was overlooked in this study. He wanted to know how the County staff came up with the potential development opportunities ideas for each site. The Conservancy Board should act to protect the land along the river.

Ms. Clary Creager, resident of Fresno, and founding member of the River Parkway Trust, indicated her agreement with Ms. Savala's comments. The San Joaquin River runs between the two counties and is an asset that needs to be set aside and protected. If not, it will disappear into development. The decisions and choices that are made now will forever change or protect this area. She noted that the Parkway Master Plan envisions the protection of the river, and the entire area is essential to the wildlife and habitat. The Conservancy Board needs to be assertive in supporting Parkway policies. Studies like this should not overlook the Parkway.

Ms. Sharon Weaver, Executive Director of the San Joaquin River Parkway and Conservation Trust, asked County staff whether there were any proposed or pending developments in the white area east of Friant Road shown on the study's composite map. County staff responded there were not.

Ms. Weaver stated that in the letter the Conservancy sent to the County it states that the Conservancy is the agency that was formed to implement the Parkway. She wondered how the Conservancy would implement the Parkway, without being an advocate for the creation of the Parkway. The Conservancy should hurry to implement the Parkway Master Plan. She noted that the uses described for opportunity sites 1, 3, and 4A are consistent with the Parkway Master Plan.

Board Comments and Actions:

**Mr. Gibson made a motion for the Conservancy Board to go on record as follows:** Express thanks to the County and to those who funded the study for the advanced planning. Extend an invitation to landowners and stakeholders to participate in Conservancy Board meetings and Parkway planning. Request the County Planning Commission and Board of Supervisors to recognize the planned Parkway-wide multiple use trail as an essential element for transportation and economic development in the study area. The County should identify the Parkway multiple-use trail as a transportation artery for the study area and should include the trail in the study's Section 2.2 Transportation planning narrative and maps. The County should work with private landowners to implement the planned Parkway multiple use trail in the study area. The Conservancy Board recognizes that planning for the study area and the Parkway are works in progress, and encourages on-going cooperative planning among the County, Conservancy, and other agencies responsible for the valuable resources of the study area, San Joaquin River, and region.

Ms. Marks suggested that the motion's inclusion of economic development benefits was also in reference to Mr. Robinson's comments about the tourism benefits of the Parkway.

On inquiry from Mr. Borgeas, Mr. Kettler reported that it would take a year and a half for the EIR process to be completed for the General Plan.

Mr. Borgeas stated that this study should be incorporated into the County's General Plan process. The planning process should not be rushed.

Ms. Marks stated for the record that during development of the study the County held meetings with involved agencies, including the Conservancy, as part of their scope of work. In the study, the Conservancy's properties were considered to be constraints—the Conservancy, not the County, determines how those properties will be developed. The 100-year floodplain was also one of the major constraints. The County and their consultant looked at the remaining lands for development, given the County's existing land use policies. With all of the constraints, the County narrowed it down to six sites for potential development.

Mr. Kettler stated that the Conservancy has been involved throughout the process and have attended the workshops. Mr. Motta presented the concept of this study to the Conservancy Board last year.

**Mr. Frazier suggested the Board make a formal comment that the County should create a specific plan line for the multi-purpose trail.**

**Mr. Gibson agreed with Mr. Frazier and stated that it should be a goal of the County to acquire the right-of-way for the trail. The motion was amended as suggested.**

**Mr. Frazier seconded the motion, and it passed on majority vote.**

**ROLL CALL VOTE:**

<b>Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>
<b>Mr. Steve Brandau</b>	X		
<b>Mr. Andreas Borgeas</b>	X		
<b>Mr. Brett Frazier</b>	X		
<b>Mr. Derek Robinson</b>	X		
<b>Ms. Barbara Goodwin</b>	X		
<b>Mr. Carl Janzen</b>	X		
<b>Dr. Jeff Single</b>	X		
<b>Mr. John Donnelly</b>	X		
<b>Mr. Michael McKown</b>	X		
<b>Ms. Bryn Forhan</b>		X	
<b>Mr. Paul Gibson</b>	X		

Mr. Frazier left at 11:45 a.m.

**Ms. Goodwin made a motion for a formal comment that the County should implement policies and conditions of approval that would apply to properties adjacent to public Parkway lands, to provide for an appropriate transition from the proposed private use to conservation and low-impact public recreational uses.**

**Mr. Borgeas seconded the motion, and it passed on majority vote.**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Steve Brandau	X		
Mr. Andreas Borgeas	X		
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. John Donnelly	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan		X	
Mr. Paul Gibson	X		

Ms. Forhan expressed reservations about making comments that may be premature, given the lack of clear intent for how the study is to be used in County planning.

Mr. Borgeas stated that the Conservancy Board is being asked to do something that is a bit premature and the most appropriate outlet is to request the County to incorporate this study into the General Plan review process. Only then, we would have a jurisdictional land use overview that puts this planning effort in the proper context.

**Mr. Borgeas made a motion, and Mr. Gibson seconded, that, as a general comment, the Conservancy Board express serious concerns that the Conservancy, stakeholders, and interested parties were being solicited for comments prematurely.** It would be more appropriate for advanced planning of this nature to first undergo more extensive analysis and exploration during the Fresno County General Plan process currently underway. At this time, the study is inadequate in presenting a useful overview of land use and policy; therefore, official comments and actions at this time are considered premature.

**The motion passed unanimously.**

ROLL CALL VOTE:

Name	Yes	No	Abstain
Mr. Steve Brandau	X		
Mr. Andreas Borgeas	X		
Mr. Derek Robinson	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. John Donnelly	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		

There was no further discussion or action.

- G-2 Receive Report on Fresno County Measure “C” Trails Funds, “Ongoing Maintenance” Amendment, and Applicability to Potential San Joaquin River Parkway Trail Projects Funded through Conservancy Bond Funds (carried over from the cancelled September 2015 meeting)

Due to time constraints, Chairperson Brandau, with Board consensus, carried over this item to the next Board meeting.

Mr. Janzen expressed discouragement over the estimated amount it would cost to maintain a mile of trail for one year. He noted that the cost does not include the construction of the trail.

Ms. Marks stated that the maximum amount allowed under the Measure C funding is \$10,000 per mile for a period of five years. The City of Clovis and the City of Fresno reported in 2010 spending \$11,000-\$15,000 a year per mile of trail.

Dr. Single noted that this is a great overview of opportunities and constraints for measure C funding. He requested staff to discuss opportunities for specific Parkway projects at the next Board meeting.

## H. ADMINISTRATIVE AND COMMITTEE REPORTS

### H-1 Organizations

#### H-1a San Joaquin River Parkway and Conservation Trust

Ms. Weaver reported on the National Land Trust Rally in Sacramento. She noted that it was a great opportunity to highlight the Parkway reach of the river.

#### H-1b RiverTree Volunteers

Mr. Richard Sloan reported on their participation in the Great Sierra River Cleanup. They focused on cleaning up the Conservancy’s properties from Ledger Island down to Camp Pashayan. They pulled out 11 tons of trash, tires, and tractor tires with rims from the river and banks.

### H-2 Deputy Attorney General

Report and Discussion: Voter-Approved Bond Act Propositions (carried over without prior discussion from August 19, 2015, Board Meeting)

Mr. Crow reported on the questions that were asked at the May Board Meeting about Voter-Approved Bond Act Propositions. He explained that only the voters can amend an initiative bond act, such as Proposition 84, unless the initiative explicitly allows for the Legislature to amend it. Only the Legislature can amend a referendum bond act such as Proposition 40. He noted that the general obligation bond law limits use of bond proceeds to pay for constructing or acquiring capital assets. The only exception is where a specific bond act explicitly permits expenditure of bond proceeds for costs that would not be considered capital asset acquisition, such as operations and maintenance costs. For campaign activities, the general rule is that it is permissible to endorse, but impermissible to campaign or expend state resources, for passage of a ballot proposition.

### H-3 Executive Officer

H-3a Committee Reports

None.

H-4 Board Members' Reports

Dr. Single informed the Board and congratulated Mr. Donnelly for recently receiving the Rangeland Conservation Impact Award from the California Rangeland Trust.

Mr. Borgeas thanked Ms. Marks for participating in a community meeting held for his district.

I. EXECUTIVE SESSION

None.

J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS

None.

K. NEXT BOARD MEETING DATE

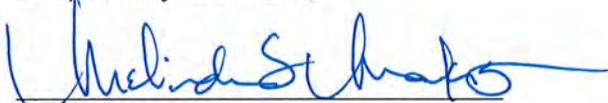
The November 18, 2015 meeting was cancelled as stated in the October meeting notice and agenda. The next regularly scheduled Board meeting will be December 16, at 10:30 a.m. (Please note a later start time is observed November through February.)

L. ADJOURN

Chairperson Brandau adjourned the meeting at approximately 12:13 p.m.

Board meeting notices, agendas, and approved minutes are posted on the Conservancy's website, [www.sjrc.ca.gov](http://www.sjrc.ca.gov). For further information or if you need reasonable accommodation due to a disability, please contact Rebecca Harris at (559) 253-7324 or [Rebecca.Harris@sjrc.ca.gov](mailto:Rebecca.Harris@sjrc.ca.gov).

Respectfully submitted,



Melinda S. Marks, Executive Officer