



250.20

STATE OF CALIFORNIA  
Edmund G. Brown, Jr., Governor

Item: E-1

**MINUTES**

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**San Joaquin River Conservancy Governing Board  
Wednesday, August 20, 2014**

**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

**GOVERNING BOARD**

Steve Brandau, Chairperson  
*Councilmember, City of Fresno*

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

Max Rodriguez  
*Madera County Board of Supervisors*

Donald E. Holley  
*Councilmember, City of Madera*

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

Carl Janzen, *Director*  
*Madera Irrigation District*

Jeffrey Single, *Regional Manager*  
*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  
Carolyn Nolan  
*Citizen Representatives*

Melinda S. Marks  
*Executive Officer*

**CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Vice-Chairperson Andreas Borgeas called the meeting to order at 10:04 a.m. and led the pledge of allegiance.

**A. ROLL CALL**

Name	Present	Telecon-ference	Absent	Late
Mr. Steve Brandau, Chair			X	
Mr. Andreas Borgeas	X			
Mr. Max Rodriguez	X			
Mr. Donald E. Holley	X			
Ms. Barbara Goodwin	X			
Mr. Carl Janzen	X			
Dr. Jeff Single	X			
Mr. Kent Gresham	X			
Mr. John Donnelly		X		
Mr. Patrick Kemp		X		
Mr. Michael McKown		X		
Ms. Eraina Ortega			X	
Ms. Bryn Forhan	X			
Mr. Paul Gibson	X			
Ms. Carolyn Nolan	X			

Mr. Morgan confirmed that a quorum was present.

Legal Counsel Present: Mitchell Rishe, Deputy Attorney General via teleconference

Staff Present: Melinda Marks, Executive Officer

Joshua Morgan, Associate Governmental Program Analyst  
Scott McFarlin and Heidi West, Public Lands Management Specialists,  
Wildlife Conservation Board

**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.

Mr. Barry Bauer, concerned citizen, raised questions about the implementation of AB 1506. He asked about the process and Board's involvement in adopting regulations and establishing fines, whether the regulations would be consistent with the City of Fresno's San Joaquin River and Bluff Protection Ordinance, and which agency would receive revenue from the fines. Mr. Bauer inquired about the status of the River West Fresno, Eaton Trail Extension Environmental Impact Report (EIR) and the Parkway Master Plan EIR.

Mr. Bauer asked whether item 1-2 on the closed the session agenda pertained to the acquisition of mineral rights. Ms. Marks responded that the item had to do with a proposed access easement on Conservancy property.

Mr. Bauer mentioned that the proposed Water Bond on the November ballot will include funding for the Conservancy, and asked what projects might be funded.

Mr. Richard Sloan, River Tree Volunteers, noted that there were inactive wells and pumps on Conservancy property that should be properly demolished and abandoned, and suggested these types of projects could be funded with the Water Bond proceeds.

Vice-Chairman Borgeas asked Ms. Marks to include on the next agenda discussion of opportunities for access to the River West project from the vicinity of Palm Bluffs. He also requested staff to provide information on the development of Conservancy regulations and the extent to which they are consistent with the City ordinance.

Ms. Marks confirmed that the proposed regulations are consistent with the City ordinance, and include additional measures necessary to safely manage Conservancy lands.

Mr. Gresham suggested a Board workshop to discuss the proposed regulations in detail.

Mr. Gibson asked whether there are data on the types of enforcement problems that commonly arise. He concurred with Mr. Gresham's suggestion to conduct a workshop.

**C. ADDITIONS TO THE AGENDA**

Items identified after preparation of the agenda for which there is a need to take immediate action. Two-thirds vote required 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 20~~ June 18, 2014

**It was moved by Ms. Forhan and second by Dr. Single to approve the minutes as presented. The motion was unanimously passed by the voting members. Ms. Goodwin and Ms. Nolan abstained, as both were not present during the last meeting.**

Name	Yes	No	Abstain
Mr. Andreas Borgeas, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin			X
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		
Ms. Carolyn Nolan			X

**F. CONSENT CALENDAR**

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

F-1 Summary of Fiscal Year 2014-2015 Budget Appropriations

Staff Recommendation: This report is provided for informational purposes. No Board action is recommended.

F-2 Authorize Agreement with Fresno Metropolitan Flood Control District for Administrative Support and Office Space

Staff Recommendation: It is recommended the Board authorize an agreement not to exceed \$18,000 with the Fresno Metropolitan Flood Control District commencing in September 2014 and extending through December 31, 2015, providing reimbursement to the District for utilities and janitorial costs associated with the Conservancy's occupancy of three office spaces, hourly administrative and technical support services, and other direct costs.

It was moved by Ms. Forhan and seconded by Mr. Janzen to approve the consent items as recommended. The motion was unanimously passed.

Name	Yes	No	Abstain
Mr. Andreas Borgeas, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		
Mr. Michael McKown	X		
Ms. Bryn Forhan	X		
Mr. Paul Gibson	X		
Ms. Carolyn Nolan	X		

**G. DISCUSSION**

G-1 Adopt Resolution 14-02, Appreciation for William Goolkasian, Eagle Scout Service Project at Sycamore Island

Staff Recommendation: It is recommended the Board receive a brief report from William Goolkasian and adopt Resolution 14-02, expressing its appreciation for his Eagle Scout Leadership Project at Sycamore Island.

Mr. Morgan provided an overview of Mr. Goolkasian's project. Mr. Goolkasian installed three refuse container enclosures at three selected locations throughout Sycamore Island. Mr. Goolkasian implemented his project with the help of other scouts from his troop, family, and friends. Project supplies were provided by the Conservancy.

It was moved by Mr. Janzen and seconded by Mr. Gibson to adopt resolution 14-02. The motion was unanimously passed.

Name	Yes	No	Abstain
Mr. Andreas Borgeas, Chair	X		
Mr. Max Rodriguez	X		
Mr. Donald E. Holley	X		
Ms. Barbara Goodwin	X		
Mr. Carl Janzen	X		
Dr. Jeff Single	X		
Mr. Kent Gresham	X		
Mr. John Donnelly	X		
Mr. Patrick Kemp	X		

<b>Mr. Michael McKown</b>	X		
<b>Ms. Bryn Forhan</b>	X		
<b>Mr. Paul Gibson</b>	X		
<b>Ms. Carolyn Nolan</b>	X		

**H. ADMINISTRATIVE AND COMMITTEE REPORTS**

**H-1 Organizations**

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

Mr. Koehler reported on a successful season for River Camp. KVPR did a report on public radio on the Firebaugh River Camp, detailing the importance of the program to the community. He noted that UCLA released a study on the beneficial impacts of river greenways, improving the health of kids and families.

Mr. Koehler reported on a conference of the City Parks Alliance in Denver. Of the 40 cities represented at the conference, all were struggling with the effects of homelessness on parks. Some agencies enlist social and mental health services, as well as law enforcement.

Mr. Gibson recently participated in a canoe trip sponsored by the River Parkway Trust, and expressed his complements.

**H-1b RiverTree Volunteers**

Mr. Sloan reported on the recent activities of River Tree Volunteers. He noted that the ponds on the Conservancy's Spano property provided safe places for guided paddling while the river flows were too high. The volunteer activities include painting over graffiti, installing bollards/railroad ties, and picking up trash. There are still many shopping carts being abandoned.

**H-2 Deputy Attorney General**

Mr. Rishe had nothing to report.

**H-3 Executive Officer**

Ms. Marks offered to re-distribute to the Board some of the past informational staff reports regarding the proposed public use regulations. The reports will answer many of the Board's questions.

Ms. Marks provided an overview on Proposition 1, the 2014 Water Bond. If approved, \$10 million will be allocated to the San Joaquin River Conservancy. Eligible Parkway projects must include a nexus to watershed protection, conservation, and restoration. Examples of eligible Conservancy projects would be:

- Floodplain and habitat restoration;
- Gravel pit isolation and floodplain improvement;
- Off-stream fishing improvements;
- Storm water quality and habitat enhancements using runoff; and

- Multi-benefit projects meeting State obligations under the San Joaquin River Restoration Program.

Mr. Borgeas asked whether there would be funding for operations and maintenance. Ms. Marks replied that there were not, and explained that bond funds may only be used for capital costs—long term investments that have a service life as long as the period required to repay the public debt.

Ms. Marks reported on the progress of the Ledger Island Bridge investigation. The engineers are finding significant scour of the bridge foundation. They have not been able to find as-builts to determine the depth of pilings and extent of steel reinforcement. Staff will have a recommendation in September. In response to Ms. Goodwin's inquiry, Ms. Marks replied that the bridge was built in the 1970's.

Ms. Marks announced that over 250 comments were received on River West Fresno, Eaton Trail Extension EIR. Many comments supported an entrance road and parking via the Palm Nees private access road. Since the Conservancy does not own the affected property or have land use authority, it would need written permission of affected property owners and approval of the City of Fresno to be lead agency, in order to include the area in the project EIR. The Palm Nees alternative would be complex and costly, including cleanup, regulatory, title, and engineering issues. Adding the alternative to the EIR would require a revised scope, budget, and schedule, and approval of the Board and Wildlife Conservation Board (WCB). Staff will return in September with recommendations.

Ms. Marks reported that the San Joaquin River Parkway Master Plan Administrative Draft EIR was submitted for her review in May. The drafts were deficient, and were returned to the consultants with comprehensive feedback, resulting in a delay of the project. The consultants are revising the draft document at no additional cost to the Conservancy. The revised draft was recently submitted to the Conservancy and will take one or two months to review and finalize. It is anticipated that the revised document will meet Conservancy expectations and standards.

Ms. Marks announced that the San Joaquin Fish Hatchery and Pit 46e Gravel Pit Isolation and Berm Improvement project augmentations, and Owl Hollow proposal would be considered for final approval at the WCB August 28 meeting.

Ms. Marks noted that copies of staff's comments to the City of Fresno regarding the proposed General Plan update were provided as a handout to the Board. The comments were not extensive due to close coordination between Conservancy and City staff to ensure the General Plan incorporated the Parkway Master Plan policies.

Ms. Marks announced that Scott McFarlin was transitioning to a new position at WCB covering other regions, and Heidi West would be replacing him to support Conservancy programs and projects. The WCB position is funded by Conservancy Proposition 84 bond funds, and provides contract management for Conservancy grants, land acquisition negotiations, appraisal and title report research, preparation of WCB staff reports, and Conservancy representation at all WCB meetings.

Ms. Marks introduced Rebecca Harris, Fresno Metropolitan Flood Control District intern. Ms. Harris is working part-time for the Conservancy through the Flood Control District agreement, helping to reduce staff's workload during the current vacancy.

### H-3a Committee Reports

None.

### H-4 Board Members' Reports

Mr. Gresham reported that he and Conservancy staff attended a County of Fresno public meeting on August 19 regarding the Lost Lake Park campground improvement project. The meeting was generally positive, with the attendees asking many questions that were answered by County staff.

Mr. Bauer commented from the podium that the Lost Lake Park meeting went well, and voiced support for the planned upgrades and improvements to the park. Mr. Bauer also commented on the Conservancy's bond fund programs, the Pit 46e Berm Improvement project, the proposed Temperance Flat reservoir, CalTrans' old Highway 41 bridge crossing at the San Joaquin River, and the Palm Nees alternative for the River West Fresno, Eaton Trail Extension EIR.

There followed general discussion among the Board regarding the various issues involved with adding the Palm Nees alternative to the Eaton Trail Extension EIR.

## I. EXECUTIVE SESSION

### Public Comment:

Prior to convening in Executive Session, members of the public may address the Board on Executive Session agenda items.

Mr. Bauer asked if staff could disclose any information pertaining to item I-2.

Ms. Marks stated that the item pertained to a request from the River Parkway Trust to negotiate an easement across Conservancy property to allow access to a Parkway Trust-owned parcel.

Mr. Bauer stated his opposition to the Conservancy allowing any new public access at the Riverview Drive and Bluff Avenue location, citing a pending update to the Fresno City General Plan prohibiting public vehicle access at that location.

The Board convened in closed session at approximately 11:23 a.m.

#### I-1 Government Code Section 54956.8

Consultation with real property negotiators concerning lease negotiations

Leased Property: Bluff Pointe Golf Course and Learning Center  
APN 502-020-46P (Fresno County)

Negotiating Parties: Mr. Jim Perez and Mr. Kevin Cameron, lessees

Agency Negotiators: Melinda S. Marks, Executive Officer  
Michael Crow, Attorney General's Office

#### I-2 Government Code Section 54956.8

Consultation with real property negotiators concerning terms of negotiations relating to request to grant access easement, including price and terms of payment.

Property: San Joaquin River Conservancy  
Fresno County (over and across APNs 401-021-33ST, 401-021-35ST,  
402-030-24ST, 402-030-68ST, & 402-030-69ST)

Negotiating Parties: Dave Koehler, San Joaquin River Parkway and  
Conservation Trust  
Chris Brown, Legal Counsel

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy  
Michael L. Crow, Deputy Attorney General, Department of Justice

- I-3 Government Code Section 54956.8  
Consultation with real property negotiators concerning terms of negotiations, including price and terms of payment.

Property: Ball Family Trust, Cemex plant site  
Fresno County (APNs 300-007-56 through 60)

Negotiating Parties: David Wasemiller, Realtor, agent for Ball Family Trust

Agency Negotiators: Melinda Marks, San Joaquin River Conservancy  
Scott McFarlin, Wildlife Conservation Board

- I-4 Government Code Section 54956.9 (b)/(c)  
Conference with Legal Counsel—Anticipated Litigation  
Significant Exposure to Litigation/Potential Initiation of Litigation—1 case

Mitchell Rishe, Deputy Attorney General, reported out of Executive Session that with regard to items I-1 through I-3, the Board provided direction to staff. With regard to item I-4, the Executive Officer provided the Board with information pertaining to potential litigation.

**J. NOTICE OF BOARD, ADVISORY, AND PUBLIC MEETINGS**

None.

**K. NEXT BOARD MEETING DATE**

**The next meeting of the Board will be held September 17, at 10:00 a.m.** (Please note an earlier start time is observed March through October.)

**L. ADJOURN**

Vice-Chairman Borgeas adjourned the meeting at 12:20 p.m.

Respectfully Submitted,

  
Melinda S. Marks, Executive Officer