



December 12, 2018

TO: River West Fresno and North Palm Access Implementation Work Group
(Copied to San Joaquin River Conservancy Board)

FROM: John M. Shelton, Executive Officer

SUBJECT: **River West Fresno and North Palm Access Implementation Work Group,
December 12, 2018, Meeting Summary**

MEETING SUMMARY

Meeting: December 12, 2018, 10:00 a.m.
Fresno Metropolitan Flood Control District

1. INTRODUCTIONS

ATTENDEES:

Sharon Weaver, San Joaquin River Parkway and Conservation Trust (River Parkway Trust)
Sarah Parkes, River Parkway Trust
Kevin Tsuda, County of Fresno, Department of Public Health, Environmental Health Division
Daniel Vasquez, Wildlife Conservation Board (WCB)
Andrew Benelli, City of Fresno Department of Public Works
John Kinsey, Counsel for San Joaquin River Access Corporation (SJRAC)
Tom Beggs, SJRAC
Paul Gibson, San Joaquin River Conservancy Board

By phone:

Heidi West, WCB
Scott Hatton, Central Valley Regional Water Quality Control Board (RWQCB)
Christina Morkner Brown, Attorney general's Office
Jamie Garret, State lands Commission

STAFF:

John Shelton, Executive Officer; Rebecca Raus, Associate Government Programs Analyst; Jasanjit Bains, Staff Services Analyst; Melinda Marks, Consultant

STATUS REPORT ON BENCHMARKS

Mr. Shelton introduced the purpose of the day's meeting: to ensure the remaining tasks are completed in time for the report to the Conservancy Board at its meeting January 9, 2019, regarding the benchmarks established by the Board in approving the River West Fresno Trail Extension

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Project and Alternative 5B (North Palm Access) in December 2018. The meeting notes will be developed and copied to the Board in the next few days to be sure the Board is kept informed.

2. VARIANCES FROM CITY ORDINANCES

Mr. Shelton and Mr. Benelli reported that on December 5 the Planning Commission approved the variances from the Bluff Protection Overlay District Ordinance and the Tree Removal Ordinance. The Commission members had several questions about timing, capital and operations and maintenance funding; however, it unanimously approved the variances. Any appeal must be filed within 10 days of the meeting. There was discussion about the possibility of an appeal. Mr. Kinsey stated that he hoped the parties were working in good faith to implement the Conservancy-approved project, and would not appeal the decision.

There was discussion of a nearby proposed development and how it might in the future affect Parkway and neighborhood trail connections to the project. A trail alignment is shown on the property on the City General Plan, which should result in a requirement for the property owner to dedicate and construct the on-site portion of the trail. Ms. Marks noted that the Spano easement includes language to be sure it does not preclude such connections, which would be facilitated in part by off-site, adjacent public access easements already secured by the State Lands Commission.

3. POST-CLOSURE LAND USE PLAN REVIEW

Mr. Tsuda reported that the County of Fresno Health Department and RWQCB received from the SJRAC a revised a post-closure land use plan that addressed the regulatory agencies' previous comments. He reported that the Health Department would approve the post-closure plan, provided the SJRAC deleted one paragraph that encompassed the neighboring landfill-affected property; the parties present agreed that it would be correct to delete the paragraph, since it was intended that the post-closure plan would only apply to the 11-acre property to be acquired by the SJRAC. Mr. Tsuda and Mr. Hatten indicated that with that final change the plan would be approved. The RWQCB had no concerns other than the change noted by the County.

4. SPANO OPTION/EASEMENT

Mr. Kinsey reported that amendments to the Spano easement, to address the Conservancy Board's concerns expressed at the September 2018 Board meeting, were executed by Mr. Spano and the SJRAC. The easement solely encumbers the subject property and shall not be construed to encumber the other properties optioned by the SJRAC; the educational kiosk and signage were added to the approved features; and none of the improvements identified and approved in the easement shall be construed to interfere with the view. The transaction documents will be provided to staff to include in the Board packet.

5. PUBLIC ACCESS EASEMENT

Mr. Vasquez reported that a draft easement has been provided to the SJRAC. Ms. Morkner Brown and Mr. Collin Mills, WCB attorney, have scheduled internal meetings to resolve remaining issues affecting the State's interests. They expect their revisions will be provided to Mr. Kinsey this week, and negotiations can be concluded next week to finalize the public access easement. Mr. Kinsey indicated the SJRC has no significant substantive concerns on the first draft; he will be available next week to review, comment, and finalize the document with State representatives.

There was discussion of the Board's questions about the possibility that in the future the SJRAC would dissolve. It was noted that the obligations in the easements would be recorded and would go with the land to whoever assumed title. The stakeholders should be prepared to answer the Board's possible questions about various scenarios if the SJRAC should cease to exist.

6. OTHER ACTIVITIES NECESSARY FOR THE SJRAC TO CLOSE ESCROW

Mr. Kinsey reported that the lot line adjustment has been completed and fee title ownership of the properties the SJRAC optioned, including the 11-acre parcel and the two parcels near the private Palm-Nees access road, will close escrow before the January Board meeting.

7. UPCOMING BOARD MEETING, JANUARY 9, 2019

Mr. Shelton stated that the Board meeting is scheduled for January 9, 2019, 10:30 a.m., and will be located at the Fresno City Council Chambers in case the attendance might be larger than allowed at the Flood Control District Board room. He noted that the meeting notes of the day's meeting would be distributed to the Board members as soon as possible. Due to the New Year holiday, the staff report and agenda for the Board meeting should be finalized by December 28.

Mr. Kinsey asked those in attendance whether there were other issues—not yet discussed—that might be raised at the Board meeting, so that his clients can understand and anticipate concerns. Mr. Vasquez noted that a Board member had raised a concern that the Spano easement only allowed one point of public vehicle access to the property (the point where the parking area is joined with the North Palm access road per the approved project).

Mr. Shelton noted that he is meeting with Conservancy Board members as possible to discuss their priorities for the Conservancy and Parkway. After the January Board meeting, he would like to find a way to continue to move forward with the River West Perrin Avenue parking area and Eaton Trail extension, partnering with the City to secure shelf-ready construction designs, and with the City and the River Parkway Trust to develop operations resources. After some discussion, the stakeholders agreed to continue to work after the January meeting, to develop grants and partnerships for engineered designs for the River West Project. Mr. Benelli indicated that the City would consider working on the design, permitting, and contracting through grants from the Conservancy. Ms. Weaver indicated the River Parkway Trust was interested in assisting with operations funding and services. Ms. West confirmed that, after design is complete, in order for any construction grant to proceed there must be a commitment to operate and maintain the improvements for a period of 25 years.

Mr. Benelli mentioned that within the next several months Caltrans will relinquish the old Highway 41 bridges to the City of Fresno and County of Madera. Ms. Marks noted that at past Conservancy Board meetings, the Board encouraged the local agencies to investigate measures to make the bridges safer for bicyclists and pedestrians, in order to connect trails on both sides of the river in that part of the Parkway.

8. NEXT STEPS, NEXT MEETING

The Work Group will next meet February 13, 2019, 10:00 a.m.

9. ADJOURN

Mr. Shelton thanked those in attendance for their time at the meeting and in working on this project.