

PESCADERO RECLAMATION DISTRICT # 2058

3650 W. Canal Blvd.
Tracy CA 95304
(209) 835 2293 FAX: (209) 835 2337

PESCADERO RECLAMATION DISTRICT MEETING MINUTES

Pursuant to Executive Order N-29-20 this meeting will be conducted exclusively by teleconference.

Minutes of November 4, 2020 Board of Trustees Meeting

TRUSTEES PRESENT: Nat Bacchetti
Richard Pellegrini
Greg Pombo

OTHERS PRESENT: Alexis Stevens (District Counsel)
Alyson Ackerman (Somach Simmons & Dunn)
Nick Prichard (District Engineer)
Francesca Gosner (District Staff)

The meeting was called to order by Trustee Bacchetti at 10:34 a.m.

ROLL CALL

Roll call was taken and Trustees Bacchetti, Pellegrini, and Pombo were present.

PUBLIC COMMENT

No public comment.

CONSENT CALENDAR

Trustee Bacchetti read the items for consent.

Trustee Pellegrini moved to approve the minutes for the October 7, 2020 Board Meeting, and approve Items B, C, and D of the consent calendar (review and approve claims for payment and financial report, review and approve pump report, and review and approve payroll, respectively). Trustee Pombo seconded the motion. The matter was put to a vote and votes were cast as follows:

Trustee Nat Bacchetti:	Yes
Trustee Richard Pellegrini:	Yes
Trustee Greg Pombo:	Yes

The motion to approve the minutes for the October 7, 2020 Board Meeting and approve Items B, C, and D of the consent calendar (review and approve claims for payment and financial report, review and approve pump report, and review and approve payroll, respectively) was carried.

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PRESENTATION, DISCUSSION, AND ACTION ITEMS:

A. Consider and Discuss Approval of Delta Levee Maintenance Subventions Program Work Agreement for Fiscal Year 2020-2021 and Resolution 2020-02 Authorizing the President of the Board of Trustees to Execute Same

District Counsel discussed the Delta Levee Maintenance Subventions Program Work Agreement for Fiscal Year 2020-2021 (Agreement), stating that it was a standard agreement and substantially similar to those the District executed in years past. District Counsel advised the Board that a resolution authorizing the Board President to execute the Agreement on the District's behalf is required, a draft of which was included in the Board packet.

Trustee Pombo moved to approve the Delta Levee Maintenance Subventions Program Work Agreement for Fiscal Year 2020-2021 and Resolution 2020-02 Authorizing the President of the Board of Trustees to Execute Same. Trustee Pellegri seconded the motion. The matter was put to a vote and votes were cast as follows:

Trustee Nat Bacchetti:	Yes
Trustee Richard Pellegri:	Yes
Trustee Greg Pombo:	Yes

The motion to approve the Delta Levee Maintenance Subventions Program Work Agreement for Fiscal Year 2020-2021 and Resolution 2020-02 Authorizing the President of the Board of Trustees to Execute Same was carried.

B. Update on Hussein Use Permit Application No. PA-1800316(UP) and Second Revised Initial Study related to same

District Counsel provided an update on the Hussein Use Permit Application No. PA-1800316(UP) (Use Permit), stating that San Joaquin County issued a second Revised Initial Study related to the Use Permit. Counsel advised that the operations covered by the Use Permit have been downsized in certain aspects (e.g., reduced number of chickens on the property) and changed in others. These operational changes include increasing the frequency and manner of manure removal to once per week in a covered trailer, altering the manure storage structure such that it will now have four sides (rather than only three), and shifting the slaughterhouse farther from Delta Avenue and residential structures. The Use Permit and revised supporting

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documents also included additional details on the chicken barn and the property's fencing.

District Counsel reported that it was not clear when a hearing on the Use Permit and revised supporting documents would be held, noting that the comment deadline was November 2, 2020. District Counsel also reported that despite these changes, there did not appear to be anything of concern to the District. District Counsel will continue to monitor the Use Permit and report any additional changes to the Board. A Trustee asked whether the owner will butcher cattle under the Use Permit. District Counsel advised that she believed the operations were limited to only goats and chickens, but will confirm and report back to the Board.

C. Review and Consider Approval of Encroachment Permit Agreement Allowing Discharge of Stormwater from NEI Basin Into District Facilities

The District Engineer provided background on the Encroachment Permit Agreement Allowing Discharge of Stormwater from NEI Basin into District Facilities (Permit Agreement), presenting both the City of Tracy's interim plans and the ultimate plan for stormwater and related infrastructure. The District Engineer reported that the quality of water discharged into the District's facilities will be similar to that of a prolonged rainstorm, advising that he does not anticipate any water quality issues under the Permit Agreement. The issue of whether a stormwater discharge permit will be required arose, and the District Engineer reported that he would research the issue. The District Engineer also reported that under the Permit Agreement, the District would be reimbursed for its labor per-acre-foot of water discharged into the facilities. He also reported in closing that the Permit Agreement is a standard encroachment document.

Trustee Pellegrini moved to approve the Encroachment Permit Agreement Allowing Discharge of Stormwater from NEI Basin Into District Facilities, pending receipt of information regarding the stormwater discharge permit. Trustee Pombo seconded. The matter was put to a vote and votes were cast as follows:

Trustee Nat Bacchetti:	Yes
Trustee Richard Pellegrini:	Yes
Trustee Greg Pombo:	Yes

The motion to approve the Encroachment Permit Agreement Allowing Discharge of Stormwater from NEI Basin Into District Facilities, pending receipt of information regarding the stormwater discharge permit was carried.

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GENERAL MANAGER'S REPORT

Repairs and Maintenance

The General Manager reported that the District received the financial contribution from South Delta Water Agency for the pump rental to alleviate low water levels in Tom Paine Slough. The General Manager has started investigating a more permanent solution in accordance with South Delta's request. The General Manager also reported that he received a bid (approximately \$60,000) for the replacement of the pipeline on the east side of Canal Road to the control box (approximately 600 feet). He noted that while the District has repaired this pipeline previously, the repairs never held and the pipeline leaks onto nearby property causing flooding.

Irrigation

The General Manager did not have an irrigation report.

LEVEE REPORT

Trustee Pombo reported that the Department of Water Resources (DWR) completed the levee inspection, but the District has not yet received a draft report. Trustee Pombo reported that the carbon dioxide treatment was effective for squirrel abatement, but it is not permanent.

Trustee Pombo inquired about joining DWR's Flood Maintenance Assistance Program (FMFA). District Counsel advised that the money received under the FMFA is grant money to be used for deferred maintenance items. In exchange for the grant money, District Counsel reported that the District must sign an Operation, Maintenance, Repair, Replacement and Rehabilitation Assurance Agreement (OMRR&R Agreement) with the Central Valley Flood Protection Board. Under the OMRR&R Agreement, the District would assume certain liability for the levees in its boundaries. District Counsel posed the question to the Board whether the grant money provided is worth the scope of liability assumed under the OMRR&R Agreement. The Board did not take any action, but requested additional information. District Counsel reported that she would research the limitations of use of the grant money and the scope liability assumed under an OMRR&R Agreement.

DISTRICT ENGINEER'S REPORT

The District Engineer provided greater detail on the interim and ultimate plans associated with the discharge of stormwater from NEI Basin into District. He noted that a lot of runoff into the District's facilities comes from the other side of Paradise

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Road, which is under the West Side Irrigation District's control. The Board expressed that it does not want to accept any stormwater run-off from another District.

The District Engineer reported that the environmental easement on the Perry Property is the only outstanding item for to the Flood System Repair Project (FSRP). He reported that construction is complete. In addition, Asta Construction's work has been invoiced, reviewed, and approved, but not yet paid. The District Engineer advised that the FSRP was within budget, resulting in approximately \$25,000 being returned to DWR.

The District Engineer reported that staking associated with the Silva irrigation line project revealed a discrepancy between the plans and the land conditions, noting that the pipeline in the plans is deeper than it can be in the ground. The District Engineer and the Board discussed the type of pipe that will be used for the irrigation line (ductile iron pipe).

The District Engineer also reported that the easement documents for the Borges property will be ready soon. He advised that the easement width conforms to the District's standard easement width, with minor modifications to ensure access to reach the infrastructure.

TRUSTEES' REPORTS

Trustee Bacchetti recommended that the District send a letter to the South Delta Water Agency, acknowledging receipt of the monies for Tom Payne Slough. District Counsel advised that she will draft the letter.

CLOSED SESSION

The District did not go into closed session.

ADJOURNMENT

There being no further business, Trustee Bacchetti adjourned the meeting at 11:42 a.m.