

March 13, 2009
Sacramento, California

The Board of Trustees of the American River Flood Control District met in regular session in its office at 165 Commerce Circle, Suite D, Sacramento, CA at 11:00 a.m. on Friday March 13, 2009. In attendance were Trustee Simon, Trustee Holloway, Trustee Minnema, Trustee Moose, and Trustee Redway. Trustee Simon presided. Also present from the District were General Manager Tim Kerr, Relief General Manager Gary Prall, Field Operations Manager Richard Marck, Field Supervisor Ronald Sundberg, Office Manager Michelle Wilder, and District Legal Counsel David Aladjem. Members of the public present at the meeting included Lizette Crosbie of SAFCA, Sam Enochian of Tom's House of Hydraulics, Sean West of Riverview International Trucks, LLC, Brendan Bellamy, Amber Stott, and Robert Robinson.

Item No. 1 Public Comments on Non-Agenda Items: Brendan Bellamy and Amber Stott homeowners from 170 Sandburg Drive, Sacramento addressed the Board regarding a black walnut tree at the base of the levee behind his house. Mr. Bellamy and Ms. Stott were recently notified by the District that the tree is in a deteriorated and hazardous condition and that the tree would be removed as soon as possible. On a motion by Trustee Holloway seconded by Trustee Minnema, the Board unanimously approved placing this item on today's agenda based on the recommendation that this situation must be addressed quickly. This topic will be heard as Item No. 1a.

Item No. 1a Removal of Black Walnut Tree on Levee Adjacent to 170 Sandburg: Mr. Bellamy and Ms. Stott requested the Board explain why the tree on the levee behind their parcel needs to be removed quickly. GM Kerr responded that the District has been monitoring the tree and that it has been declining in health for several years. The District recently had an arborist assess the condition of the tree and it has been determined to present a hazardous condition and needs to be removed. Ms. Stott requested that the District either delay removing the tree or investigate ways to make the tree safe. FOM Marck responded that there are ground squirrels in the area that burrow large holes inside the levee and the tree provides food for these squirrels. Trustee Holloway requested clarification regarding whether or not the tree would damage the levee if it fell over. GM Kerr responded that the tree has two large trunks split near the bottom, each with a diameter of 5 to 6 feet and, if toppled, could destabilize the levee slope. Trustee Moose suggested that the homeowners could plant a tree on their property to provide shade. Ms. Stott responded that they hired an arborist to assess the tree and that their arborist recommended pollarding the tree at approximately 10 feet high which would provide for shade. Trustee Redway directed District staff contact the arborist hired by the District to assess the tree and request a response to the suggestion of pollarding the tree. Trustee Holloway requested the homeowner clarify the suggested timeframe for the District to leave the tree before removal. Mr. Bellamy responded that they would like the tree to remain for 3 to 4 more years to allow for new plantings to take its place. Trustee Moose requested clarification regarding whether or not pruning down the tree would increase the safety of the tree. GM Kerr responded that pruning the tree would reduce the weight in the canopy and reduce the hazard of droppings. Trustee Simon directed District staff to contact both arborists to get a specific pruning plan and get a recommendation from the District's arborist to review the recommendation of pollarding the tree, talk to SMUD to see if they would be willing to assist with pruning or pollarding the tree, contact the City of Sacramento regarding a heritage tree permit, and to draft a hold harmless agreement. Trustee Simon directed the homeowner to research replacement trees. On a motion by Trustee Holloway seconded by Trustee Redway, the Board unanimously approved the above stated directions to District staff.

Item No. 2 Approval of Consent Agenda Items: Item 2b) Report of Investment Transactions January 2009 has been removed from the consent agenda. Staff was directed to make corrections and return the item next month as a separate agenda item apart from the consent agenda. On a motion by Trustee Holloway seconded by Trustee Minnema, the Board unanimously approved items 2a) Minutes of Regular Meeting February 2009 and 2c) Treasurer's Certification.

Item No. 3 Approval of Accounts Payable February 2009, General Fund Expenses, and Expenditures: President Simon requested clarification on payments to Carquest, Home Depot, Pape Machinery, Tom's House of Hydraulics, US Bank (Sacramento Bee), Best Buy, and Fry's Electronics. Trustee Moose requested clarification on the payment to Peter DeGregory. Following explanations by staff, on a motion by Trustee Holloway seconded by Trustee Redway, the Board unanimously approved payments on Schedule of Accounts Payable (February 2009) of \$42,458.70 and General Fund Expenses of \$53,782.53 (total aggregate sum of \$96,000.88). Expenditures to Date comparison with the budget were discussed. This item was heard out of sequence.

Item No. 4 Opening and Announcements of Closed Bids for 3-axel Dump Truck Purchase: OM Wilder opened and announced each bid received for the record. The bids were as follows: Riverview International Trucks with a K&H Body \$107,305.86, Riverview International Trucks with a Tom's House of Hydraulics Body \$108,124.55, Western Truck Center with a Tom's House of Hydraulics Body \$111,821.00, Western Truck Parts with a Beal Square Body \$108,693.00, Western Truck Parts with a Beal Semi-Elliptical Body \$107,393.00, Sacramento Truck Center with a Tom's House of Hydraulics Body \$106,541.00, Sacramento Truck Center with a Cook's Body \$106,403.00, and Sacramento Kenworth with a Tom's House of Hydraulics Body \$110,532.00. All bid amounts noted were before tax and license fees. The Board chose to continue this item until a Special meeting to allow time for District staff to review each bid and determine which are responsive to the specifications. The bid will be awarded at a later date. No action was taken at this time. This item was heard out of sequence.

Item No. 5 Erosion Study Implementation Plan: GM Kerr summarized the recommended actions from the 2008 Lower American River Streambank Erosion Monitoring Report performed by MBK Engineers. In regards to American River RM 10.9 Left erosion site he recommended the District hold off on further evaluations at this time due to the costs associated with generating topographic surveys. He also recommended holding off on American River RM 9.8 Left due to the site being partially within the footprint of a repair being conducted by the Department of Water Resources in 2009. The remaining sites (AR RM 8.8 Right, SR RM 60.3 Left, and SR RM 60.1 Left) each warrant further study by the District. GM Kerr reported that using preliminary cost estimates for this work, indicate that the combined cost for studying the three sites of concern could be between \$120,000 and \$225,000. Trustee Simon requested clarification regarding how much is allocated in the current budget for this work. GM Kerr responded that \$200,000 is available from the FY 08-09 Budget. He then provided a step by step plan to implement these recommendations. The study would begin in May 2009 and be completed by December 2009 with a final report returned to the Board by February 2010. On a motion by Trustee Holloway seconded by Trustee Redway, the Board unanimously approved the Erosion Study Implementation Plan. This item was heard out of sequence.

Item No. 6 Draft Contract with Kleinfelder Associates for WRDA-96 Alternatives Review: District Counsel Aladjem reported to the Board that Kleinfelder agreed to the proposed changes with the exception of liability being capped by the maximum limit of their errors and omissions policy. The liability on the revised contract now reads "Limited to the greater compensation actually paid or \$150,000." On a motion by Trustee Redway seconded by Trustee Moose, the Board unanimously approved GM Kerr entering into this contract with Kleinfelder Associates. This item was heard out of sequence.

Item No. 7 Flood Board Permit Application (3250 Del Mar Way) and Possible Action to Remediate Encroachment: GM Kerr introduced Mr. Robert Robinson to the Board. The District had asked him to halt construction on his property until his property line has been established. GM Kerr expressed concern that a block wall being installed along the toe of the levee is compromising the integrity of the levee. The excavation into the levee fill could allow for seepage and it is most problematic at the intersection of the levee toe. Trustee Holloway requested clarification regarding whether or not the wall and concrete slab would act as a dam for seepage. GM Kerr responded that removing compaction along the levee would allow seepage to flow with no regulation. GM Kerr also noted that the City of Sacramento has an easement along Mr. Robinson's property with a storm drain pipe underneath this easement. This city storm drain pipe is now underneath Mr. Robinson's concrete driveway. GM Kerr noted that Mr. Robinson would be well within his rights to install a block wall at his property line. Trustee Simon noted that the District could assist with removing the block wall which was constructed on our levee. GM Kerr noted that Mr. Robinson could apply for a permit to install a chain link fence along the edge of the concrete driveway. Trustee Holloway made a motion seconded by Trustee Moose, for District staff to remove the block wall and for Mr. Robinson to return with a permit application for the Board to consider the encroached driveway and the possibility of a chain-link fence. The Board approved the motion with 3 ayes with Trustee Redway and Trustee Minnema voting no. This item was heard out of sequence.

Item No. 8 Flood Board Permit Application: Floodplain Modification at Dry Creek (SAFCA): GM Kerr introduced Lizette Crosbie, Natural Resource Manager at SAFCA, to the Board. SAFCA is requesting the District's endorsement of floodplain modifications at Dry Creek near Hanson Ranch. The 2009 components of the project include degrading a berm to lower the elevation of the area and restore natural floodplain spill over from Dry Creek which would reduce velocities and undercutting downstream. This will recharge the wetlands to function in a natural way. Also, they will work with the County of Sacramento to increase cattle grazing. This will allow for more visibility and hopefully reduce illegal dumping on the property. In 2010, SAFCA plans to fill in a ditch on the Carmichael property in hopes that the water wouldn't pond as much and allow the area to function as a seasonal wetland. Trustee Moose made a motion seconded by Trustee Minnema, to endorse the permit application. The Board approved the motion with 4 ayes and Trustee Simon abstaining. This item was heard out of sequence.

Item No. 9 Staff Reports:

a) General Manager Tim Kerr reported on the following:

- General Manager's February Meeting Summary;
- Updates to Employee Handbook: GM Kerr is working with District Counsel Julia Jenness to update the Employee Handbook;
- Pending Policy Updates;
- Trash Accumulation on Levees near Bell Marine: GM Kerr spoke with the City and was told that they do not want a dumpster out on the property. Someone has recently placed a dumpster on the site;
- Camping and Associated Activities in the American River Floodplain: GM Kerr spoke with the City and was told that the plan is to remove the illegal campers;
- Corps' proposed policy on vegetation on levees: GM Kerr briefed the Board on the vegetation roundtable's framework document. This is proposed as an interim measure to allow Levee Maintaining Agencies to keep the PL 84-99 eligibility;
- Update on Clear Channel Outdoor Tolling Agreement: Mr. Viglione has formally requested the District to extend the tolling agreement for another six months. The Board took action last month to approve this extension. It has been signed and will be returned to Mr. Viglione right away;
- Hydrologic conditions: Folsom Lake is at 64% capacity with an outflow of 2200 cfs. I street bridge is currently at 5.58 feet;
- The next regular Board meeting is April 10, 2009.

b) Legal Counsel David Aladjem reported on the following:

- Update on Central Valley Flood Protection Board JPA Indemnity Policy

c) Field Operations Manager Richard Marck reported on the following:

- Photos of crew activities

d) Office Manager Michelle Wilder reported on the following:

- Form 700 is due by April 1, 2009
- Update to Purchase Order Forms

Item No. 17 Correspondence:

- ACWA-JPIA: COBRA Premium Subsidy

Item No. 18 Questions and Comments by Trustees: Trustee Minnema requested clarification regarding the PSOMAS report not showing the City's easement at 3250 Del Mar Way. GM Kerr responded that he would check into this and get an updated plot map.

Item No. 19 Adjourn: There being no further business requiring action by the Board, the meeting was adjourned by President Simon at 1:28 p.m.

Attest:

Secretary

President