

**MINUTES OF FLOOD CONTROL ZONE 1
ADVISORY BOARD MEETING OF NOVEMBER 17, 2005
NORTH MARIN WATER DISTRICT OFFICE
999 RUSH CREEK PLACE, NOVATO**

The meeting was called to order at 7:32 p.m. by Chair Bill Long.

Board Members Present: Bill Long, Chair
 Ray Wrysinski, Vice-Chair
 Mark Byers
 Deit Stroeh
 Terry Molloy

Board Member Absent: None

Staff Present: Tracy Clay (TC)
 Pat R. Balderama (PRB)

In consideration of the people in attendance who were mostly interested in the Novato Flood Control Project, the items on the agenda were re-arranged so they can be discussed early on.

Item 1. Approval of Minutes

M/S Stroeh/Byers - Adopt the minutes as presented, for the March 17, 2005 meeting.

Approved 4-0-1.

Item 3. Novato Flood Control Project, Phase VIII

Staff informed the AB that the project does not qualify for a nationwide permit and requires an individual permit per recent consultation with Army Corps of Engineers (ACOE). Since the permit will not be issued in time for the 2005 construction window, Phases VIII A and B will be combined into one project and will be slated for construction in Summer 2006. To provide a greater construction window, the fence item will be on a separate contract, since it does not require any permit. Fence construction is anticipated to start in March. Real Estate acquisition is progressing well and easements are expected to be acquired in time for the 2006 construction schedule.

Shannon Doherty of 1415 West Court, Novato expressed concern about a tree with exposed roots along the creek and the possibility of the tree falling down and damaging her property. AB requested that FC staff investigate the condition of the tree.

AB suggested that FC devise an outreach program or regular update report to keep the residents and the AB informed on status of Phase VIII project.

Item 7. Open Time

Sue Lattanzio of 1092 Bel Marin Keys Blvd., Novato passed out pictures of soil stockpiles on the Novato Creek levee east of Highway 37 and expressed concerns that sediment from these stockpiles will migrate into Novato Creek. She was advised that the Novato Sanitary District is the responsible agency for this issue.

Item 4. Lynwood & Cheda Pump Stations

Staff reported that the project is being advertised for bid purposes and bids are expected by December 2, 2005. Award of the contract will be sent to the BOS for their consideration on December 20, 2005. Construction is expected to start in May 2006 but not before PG&E performs an electrical supply adjustment.

Item 5. FC Zone 1 Budget

Staff distributed "FCZ 1 2005-06 Budget Summary" and explained each line item. Analysis of cash flow indicates that additional funding is required to complete Novato Creek - Phase VIII and Lynwood/Cheda P.S. Rebuild projects this year. Staff reported they are considering obtaining an interzone loan to meet the funding shortfall. The AB had several questions and decided to continue the item to the next meeting to address outstanding issues.

M/S Stroeh/Molloy - In the absence of additional funding, award construction contract for Novato Creek, Phase VIII and withhold award of contract for Lynwood/Cheda P.S. Rebuild.

Approved 5-0.

Item 6. Signage of Novato Creek Levees

PRB informed the AB that two claims for injuries has been filed against the F.C. District (FCD). One claim is for harmful health effects due to airborne contaminants from the dredge materials stockpiled on the levees and the other is for injuries suffered from tripping over a cable gate. The claims are being handled by County Counsel (CC) on behalf of the FCD. CC recommended that in order to avert future claims and forewarn levee users, "No Trespassing" signs should be installed at strategic places, e.g. at entry points. Discussion ensued.

M/S Molloy/Stroeh - Request signs be installed as recommended by CC.

Discussion: Some BM's were ambivalent about closing the trial to the public and others were concerned about the liability exposure of the FCD.

Approved 3-2.

M/S Stroeh/ Wrynski – Request that staff consult with CC on the wording for the sign that may allow public-use of the levee but indicating use at your own risk or words to that effect.

Approved 5-0.

Item 2. Viewing of the Brown Act Video

Four BM's claimed to have seen the video already. BM Wrynski stayed to watch the video in its entirety.

The meeting was adjourned until the next meeting set for January 19, 2006.