

# BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

## Minutes of Thursday, November 15, 2012

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by presiding officer, Larry Gardiner, President, at 10:00 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California.

**1. Roll Call** indicated a quorum with the following in attendance:

Directors: Larry Gardiner, Gay Giles, Manuel Rebero and Denis Van De Maele  
Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer;  
and Debbie Phulps, Secretary  
Guests: Kirk West

**2. Agenda Setting.** (Giles / Rebero) [MSC = Motion-Second-Carried unanimously unless otherwise noted] adopting the agenda and suspending the rules to allow consideration of items out of sequence.

**3. Financial Report** - Victoria Hale

3.1 Financial Report. Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received a copy of the most recent bank statement.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 1,435,242.63
Total Accounts Receivable	\$ 512,610.17
Total Other Current Assets	\$ 88,972.10
Total Fixed Assets	\$ <u>530,489.22</u>
Total Assets	\$ <u>2,567,314.12</u>
Total Current Liabilities	\$ 165,398.86
Total Long Term Liabilities	\$ 39,431.68
Equity	\$ <u>2,362,483.58</u>
Total Liabilities and Equity	\$ <u>2,567,314.12</u>

B. The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed.

AT&T Wireless	145.05	Ramos Oil	304.65
California Special Districts	919.00	Rebero, Manuel	205.37
California Waste Management	93.50	Reclamation District 2067	330.00
Contour Sierra Aebi	654.19	Rio Vista Auto Repair	170.00
DCC Engineering	47,002.47	River News Herald (The)	343.08
Delta Bookkeeping	1,613.56	S&W Tire	17.00
DIR/CMU	175.91	Sacramento Tax Collector	2,455.72
Frontier Communications	135.27	Silva, Frank	205.37
Frontier Communications	48.18	Sprint	150.06
Gardiner, Larry	205.37	Stewart Industrial	23.05
Giannini, Andy	2,192.04	Sun Harvest	104,592.15
Giles, Gay	205.37	Van De Maele, H. Denis	205.37
Oilwell Materials	64.76	VISA	13.96
Payroll - PERS	1,840.60	Warren Gomes Excav.	<u>7,033.50</u>
Payroll - Taxes	1,311.39	Total Claims	<u>172,655.94</u>

**MSC** (Giles/Van De Maele) authorizing payment of claims with three (3) \$50,000 warrants and a single \$20,000 warrant.

3.2 Employee Retirement Benefits. Vicki reported as to the continuing investigation into consolidating the Superintendent's income for retirement credit. CalPers will not cover Andy under 2067 due to the part-time status. Downey Brand staff is investigating further, as to whether BALMD can lease hours to the RD and have those covered.

**4. Invitation to Guests to Address the Board** - None responded.

## 5. Business

### 5.1 Machado Fill Dirt Acquisition.

- A. **MSC** (Van De Maele / Rebero) authorizing Resolution 2012-005

**RESOLUTION NO. 2012-05**  
Machado Fill Acquisition

WHEREAS, a substantial quantity of soil is now, for a limited time, available for purchase from a local farm adjacent to one of Brannan-Andrus Levee Maintenance District's levees, which soil Brannan-Andrus Levee Maintenance District has a need for and desire to purchase; and

WHEREAS, the current availability of this soil presents a unique opportunity for the District because there will be virtually no transportation costs associated with the purchase, which opportunity could be lost if the soil is purchased by another buyer during the period in which Brannan-Andrus Levee Maintenance District would, in the normal course of events, put the purchase out for competitive bidding; and

WHEREAS, the purpose of bidding requirements is to guard against favoritism, improvidence, extravagance, fraud and corruption, to prevent the waste of public funds, and to obtain the best economic result for the public, and therefore bidding requirements do not apply when public bidding would be undesirable and would not produce any advantage;

NOW THEREFORE, having considered the purchase and supporting materials, the Board of Directors of Brannan-Andrus Levee Maintenance District resolves as follows:

1. Putting the soil purchase out for competitive bidding would not produce an advantage because there is no other vendor that can supply the same quantity of local soil with virtually no transportation costs, and thus if Brannan-Andrus Levee Maintenance District did put the purchase out for bidding, it would receive only one bid in response.
2. Putting the soil purchase out for competitive bidding is undesirable because the unique opportunity to purchase a substantial quantity of local soil with virtually no transportation costs could be lost if the soil is sold while the bidding period proceeds.
3. The Brannan-Andrus Levee Maintenance District shall offer to purchase the soil without putting the purchase out for competitive bidding.

**PASSED AND ADOPTED** by the Board of Directors of the Brannan-Andrus Levee Maintenance District on November 15, 2012, by the following vote: AYES:4 , NOES:0, ABSENT:1, ABSTAIN:0.

- B. **MSC** (Giles / Rebero) authorizing President Gardiner's execution of the Temporary Easement Agreement governing the relocation and stockpiling of material, pending District Counsel's review of the proposed document and incorporating modifications as recommended thereby.

### 5.2 Job 7002.94\_2012: Georgiana Slough Levee Revetment Restoration. **MSC** (Van De Maele / Rebero) authorizing Change Order No. 2 increasing the quantity of 1/4 ton rip rap delivered to the Sacramento site by an allowance of 100 tons.

## 6. Staff Reports

### 6.1 Superintendent - Andy Giannini.

- A. Equipment. The Sprint 2-way system has been replaced as it has not been working properly since obtained. District truck was down for repair and the rack replaced. The new mower is anticipated for delivery at the beginning of the new year.
- B. Vegetation. The Sacramento mowing efforts were concluded. The Georgiana is incomplete. Sevenmile grazing effort has been concluded and Mattos' invoice adjusted due to the removal of the Georgiana location.
- C. Rodent foraging activity is up.
- D. Debris. Dumping has accelerated as evictions are occurring at the marinas.
- E. Andy met with Bruce Gornto regarding placement of the stockpiled rock from the Georgiana

Revetment job which was held for placement due to waterside access restrictions.

- F. Trespass. Off-road vehicle traffic on the levee patrol roads continues to be an issue. Director Giles also noted issues with public use of her private access. Fencing and additional patrol road gates were discussed. The Board established the toe, as a standard location for such fencing. DWR inspection was conducted. Andy reviewed an issue occurring over the 3-day holiday related to stuck vehicles. The Board discussed placing fencing around the District's property, particularly the corner which is being used as an access. **MSC** authorizing Andy to proceed with establishing the property lines and installing chainlink fencing at the parameter. A gate will also be required along the canal to access the easement, and one by the levee.

6.2 Secretary - Debbie Phulps.

- A. **MSC** (Giles / Van De Maele) approving the minutes of October 11 and 18, 2012.
- B. Correspondence: CSDA information regarding membership benefits.

6.3 Engineer - Gilbert Labrie. The District Engineer presented his report. Discussion items in the course thereof are noted by the use of inset paragraphs.

- A. Levee Program Financing. Previously DCCE has reported on the levee policy documents being prepared by DWR, for consideration by the Delta Stewardship Council (DSC), to be included in the Central Valley Flood Protection Plan to guide the administration of the Levee Subventions Program.

The two significant documents that DCCE has been monitoring and attempting to influence are: the *Framework for DWR Investments in Delta Integrated Flood Management (Framework)* and a companion document called the *Background Reference Memorandum (BRM)*. As originally drafted and presented in various iterations, the *BRM* set the stage for prioritizing islands when considering any expenditures beyond routine maintenance and rehabilitation to the HMP levee standard. Ultimately, DWR agreed to apply its prioritization strategy only when allocating funds under the Special Projects element of the Levee Subventions Program, but DWR has the ability to administratively limit the level of state support for the less restrictive maintenance and rehabilitation portion of the program. However, after considerable input from key Delta representatives, DWR has now incorporated the more rigorous Bulletin 192-82 State Standard as the minimum standard for Subventions funding, in the final version of the *BRM*.

This revision represents a small victory that resulted from a marathon session held on September 12, in Stockton, to hammer out the concerns of Delta stakeholder representatives. Many other, less controversial edits of the draft *BRM*, made during that session, also survived to the final printing. A few controversial policy issues, that were also addressed during that editing session, did not survive the final DWR management endorsement of the September 12 efforts. There has been some indication that the water contractors have been able to exert considerable influence on the contents and tenor of these DWR Flood Management documents. The characterization of State funding decisions regarding Delta flood protection allocations as investments sets the stage for the prioritization approach being taken by DWR, which favors water supply reliability and ecosystem restoration, which is viewed as representing a larger return.

- B. Vegetation Management - Project Levee Inspections. BALMD's Fall 2012 Project Levee Inspection took place on October 25. In order to be ready for that levee tour, the District awarded a contract to Sun Harvest for cutting or trimming grasses, clearing brush and trimming trees along the Sacramento River levee in order to comply with State vegetation maintenance standards. All the work under that contract was accomplished with hand crews and was completed prior to the inspection. DCCE and Superintendent Giannini accompanied the State Inspector and were able to address any maintenance deficiencies that were noted.

As a separate effort to address most of sixty individual items in the 2011 USACE Periodic Inspection Report, occurring along both Georgiana Slough and the Sacramento River levees, DCCE contacted a local contractor, Bruce Gornto, to carry out various repair projects identified in documents prepared by DCCE. The District was directed to correct the deficiencies before the next flood season and call for a re-inspection. It is DCCE's understanding that all of the sites on Georgiana Slough have been repaired.

- C. BALMD 2012-13 Levee Stability Project (formerly the "USACE/CALFED Levee Stability

Project”). As previously reported, the District’s revised 5-Year Plan and budget, that was accepted by DWR, proposes to move forward with engineering, design, and construction of the levee stability berm project utilizing local and State resources available through the Subventions Program and a Special Project Agreement that the District already has with the State for this effort. DCCE has been working with Raney Geotechnical to develop a levee evaluation testing strategy for the two stability berm sites, in order to develop an acceptable engineering solution that will increase levee stability.

To get the most mileage out of available funding resources, DCCE previously received support from the Board to pursue the availability of suitable fill material from an on-island source, the Machado property, behind the Delta Bay resort. Subsequently, DCCE negotiated with a contractor, chosen by the property owner to remove the sandy overtopping on the parcel, that was deposited during the flood of 1972. Based on a topographic survey, it appears there is approximately 130,000 cy of material that can be graded off the Machado site, and stockpiled on the District’s property, which is immediately adjacent. This double handling is necessary in order to meet the land owner’s timetable and allow time for the geotechnical study and final engineering effort to be completed. Additionally, CVFPB and environmental permitting will need to be completed to satisfy Special Project administrative requirements and secure the \$800,000 grant. The Subventions Program will reimburse \$1.00 per cubic yard, for the cost of the material, and up to 75% of the cost to stockpile it. A royalty price of \$1.50 per cubic yard was accepted by Mr. Machado, and Reeves Sand & Gravel, Inc., provided a quote to stockpile the material on the District’s property for \$4.00 per cubic yard. This equates to a price per ton of approximately \$3.00, based on the soils report prepared for Reeves by Kleinfelder, Inc.

DCCE is preparing a temporary easement agreement and working on a purchase agreement for the sandy overburden being acquired and a contract for the removal and stockpiling of the material on the District property. DCCE has also contacted Raney Geotechnical for an evaluation of the proposed project and stockpiling location to obtain an assurance that there will be no adverse impacts to the District levee by the removal of material from the toe or loading the toe by stockpiling on the District site.

- D. BALMD 2012-13 Subventions Projects. As reported previously, DCCE has been preparing construction documents for a PL 84-99 crown raising on the Mokelumne, near the Lighthouse Resort and Pirates Lair, a levee slope enhancement project on Sevenmile Slough, between the dams. DCCE anticipates on proposing that some or all of these projects be considered for bidding and construction in the spring of 2013. For fall 2012 work, DCCE proceeded with the engineering for a rip-rap repair project on the Sacramento River that could be accomplished under the limitations of the Corps of Engineers, Regional General Permit covering rip-rap repair. That project was authorized and advertised for bids, with a scheduled opening at the October meeting. However, while attending a job sites meeting with a prospective bidder, the Dutra Group, it became clear to DCCE that the erosion repair problem at that location was more critical and involved than originally envisioned. It was determined that a significant amount of vegetation would hinder the construction process at two of the project sites, and necessitate some drastic tree trimming and/or removal, and require traffic control measures. Consequently, the scope of the vegetation impediment concern and potential Fish & Game habitat mitigation issues, led DCCE to postpone the bid. DCCE concluded that the extent of the erosion problem along this reach of levee, which extends from the Ramos Oil facility to the tip of Ida Island, and the potential environmental impact from a complete repair effort, warranted a re-evaluation and input from the appropriate environmental control agencies, The USACE and DWR. The site DCCE was initially visiting with Dutra, that is next to the Ramos Oil facility, exemplifies the more critical type of erosion problem on this reach and the scope and vegetation impact of any full repair effort.

To follow up and inform the Board, as well as provide some options for consideration, DCCE has contacted the DWR Subventions Program manager, a CVFPB representative, and the DWR Program Manager for a Flood System Repair Project (FSRP) that is being undertaken by DWR. It was learned that the Ramos site DCCE intended to address with this round of rip-rap repair had been elevated to a *CRITICAL* status and may be considered under the FSRP, but if selected would not get funded for repair for the 2012-13 flood season. In fact, DCCE questions whether any thing would get done before the next flood season, given the speed with which the State has been moving.

To resolve the first issue being presented by this dilemma DCCE recommended that the rock repair project contemplated for the Sacramento River levee be shifted to Georgiana Slough and a new bid opening scheduled. That recommendation was approved by the Board and a bid date of October 18, 2012. The Dutra Group was the low bidder, with a bid of \$103,750 for 2500 tons of DWR 12X18 RSP rip-rap, to be placed at various locations on the Georgiana Slough right bank, downstream of the Tyler Island bridge.

At the same meeting, after the bid opening, the Board considered a recommendation by DCCE to take advantage of a barge load of 1/4-ton rip-rap that Dutra had available in the area, to partially address the erosion situation downstream and immediately adjacent to Ramos Oil. DCCE developed a repair scheme that only involved the bottom portion of the eroded levee slope between mean lower low water and mean higher high water, in order to avoid any drastic change to the trees at this location. A 260 lineal foot section of the levee was targeted for this repair, which needed to be concluded before October 31 when the in-water work window closed. The Board concurred with DCCE's recommendation and approved a contract Change Order for the placement of the larger rip-rap at the Ramos location. It was estimated that approximately 500 tons were left on the Dutra barge. DCCE sought and received a formal quote for the material before issuing the Change Order, which ended up involving 600, rather than 500 ton.

## **7. Director's Reports**

- 7.1 Gardiner - No report.
- 7.2 Giles - Complementary of the recent revetment work project.
- 7.3 Rebero - No report.
- 7.4 Silva - Absent.
- 7.5 Van De Maele - No report.

**8. Adjournment:** The meeting was adjourned by President Gardiner at 11:46 a.m. with those present invited to join the Board for lunch at Rogelio's in Isleton. Those accepting the invitation were Gay Giles, Gil Labrie, Debbie Phulps and Denis Van De Maele.

Respectfully submitted,

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Debbie Phulps, District Secretary  
DCC Engineering Co., Inc.

Date Approved: December 13, 2012  
MSC: Giles / Van De Maele